

The Peaceable Kingdom
of Nineteenth Century Humanitarianism:
The Aborigines Protection Society
and New Zealand

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Abstract

This thesis reconsiders the Aborigines Protection Society – the leading philanthropic body that advocated for the ‘rights of aborigines’ in the early Victorian period – from the perspective of intellectual history. Founded in 1837 when the annexation of New Zealand was being discussed, the Aborigines Protection Society has particular relevance for New Zealand, though it is a concern of the thesis to explore these connections in terms of humanitarian thought and political culture, rather than from the perspective of New Zealand history. Above all, while previous historical treatments have emphasized the importance of an evangelical humanitarianism in the reform of imperial policy during the 1830s-40s, the ideas of the ‘aborigines protection movement’ have been poorly understood due to an anti-intellectual portrait of religion. Approaching religion as a site of intellectual culture and complexity, this thesis emphasizes the dynamics of evangelicalism and Quaker-nonconformity – the two threads that characterized the weave of much early Victorian philanthropy.

If the general approach of the thesis is different from previous studies, so too is the materials it focuses on. The thesis constructs an intellectual history from several discursive but ignored ‘humanitarian’ texts, including a moral and political philosophy, more general religious and colonial histories, anthropological articles, and a legal treatise written specifically on ‘the New Zealand question and the rights of aborigines’. Although this humanitarian sub-culture is diverse and inchoate, the thesis argues it is unified by a particular religious revisioning of the political. Humanitarian thought in this period was most significantly structured by doctrines of atonement (the redeeming sacrifice of Christ), and eschatology (the theology of last things, and more broadly of the course and fulfilment of the historical process).

Beginning with early nineteenth century antecedents, the exemplary history of Quakerism, the elaboration of a radical Christian moralism, and a general ‘age of atonement’ are highlighted as prefiguring and informing the aborigines protection movement. The thesis then traces the emergence of ‘the cause of the aborigines’ in the post-emancipation, humanitarian context of the 1830s. What Thomas Fowell Buxton, the leader of the British humanitarian movement, called the ‘Great Colonial and Aboriginal Movement’, is identified as a ‘politics of atonement’ in the antislavery tradition. The trope of atonement, the most important doctrine of the evangelical era, is argued to subtend the humanitarian historical consciousness and approach to imperial reform. The need to atone for past sins not only informed the humanitarian sense of the historical present, but also structured its writing of the past. The thesis therefore looks at some humanitarian histories of aboriginal and colonial relations written in the late 1830s, and observes the creative and critical ways in which these re-present history. In these writings, binaries of savage and civilized, pagan and Christian, and self and other become subverted in the confession of moral evil. The regeneration of savagery – in both its aboriginal and British forms – turned on such confession, this being the initial act towards the conversion and rededication of the individual and nation towards a Christian future.

This disruption of conventional imaginaries enabled humanitarian writers to re-present the aborigine as a subject of Victorian philanthropy, to be assimilated into the moral community of citizens. More concretely, the APS's vision of colonial regeneration – aboriginal rights, citizenship, treaties, modified sovereignty, humane colonization, and Christian civilization – became developed in conversation with the new colonial society of New Zealand. New Zealand was the great hope for a redeemed British colonialism. It offered a possible exception to the rule of colonial history, and a rebirth of empire in the conditions of death and decay. In this regard it might be like Pennsylvania – the seventeenth century Quaker colony – a colonial society of pacific, cultural co-existence that stood out as exemplary in the otherwise dark history of European expansion. Ordered by natural rights and underwritten by an honoured treaty between British settlers and Amerindian tribes, in humanitarian texts the peaceable kingdom of Pennsylvania provided an exceptional and exemplary ideal. More broadly, this gestures to the utopian, or eschatological dynamic of humanitarian thought. Worked out in historical imagination with the past, early Victorian humanitarian thought was also fundamentally expectant; it looked to the coming millennium of peace and justice, to a new British and aboriginal civilization that would redeem the destructive history of colonization, civilization, and Christianity.

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I am writing these acknowledgements in my office with a view to the Port Hills. This tends to make one grateful. This may run for a few pages.

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M.M.
Late, late June, 2002.

A note on punctuation, abbreviation, and usage

Throughout, this thesis refers to the 'Aborigines Protection Society': that is, the original name used in at least the first few years. However, the society soon began using the more grammatically correct possessive pronoun on aborigines; i.e. the 'Aborigines' Protection Society'. For whatever reason I have stuck with the first variant, which was the form H.R. Fox-Bourne used in his 1899 history; *The Aborigines Protection Society: Chapters in Its History* (London: P.S. King, 1899). The society also went under the name of the 'British and Foreign Aborigines' Protection Society'. For simplicity, the thesis avoids using this name. Throughout the thesis, 'Aborigines Protection Society' is often abbreviated as 'APS'.

1. Reconsidering the Aborigines Protection Society

But so
 I shall tell how as you make your histories
 (what are
 not histories?) you sit at a window place
 gazing out and over spread of salt water below,
 that salt which is part of your stream in history,
 looking over the Point from which we came, to which recur.
 Where may you continue so to do answering
 (tested, attested) questions not yet proposed.

- Kendrick Smithyman, 'Candidates Should Attempt to Answer
 all the Questions' (1987)

In *A History of New Zealand*, Keith Sinclair argued that an evangelical 'humanitarianism' profoundly influenced the foundation of 'New Zealand';

The history of New Zealand was to be distinguished from that of earlier settlement colonies; the fate of the Maoris was to differ from that of the American Indian, the Bantu, the Australian or Tasmanian aborigine; for the new colony was being launched in an evangelical age.¹

In effect, Sinclair was claiming a unique role for *religion* and certain religious *ideals* in the colonization of New Zealand. Distinguishing 'the humanitarians' from missionary Christianity and the New Zealand Company, Sinclair focussed attention on the Aborigines Protection Society (APS) – a British-based philanthropic body, formed in 1837 and when the annexation of New Zealand was being debated – as a key and distinct actor during this period. However, as this chapter opens the thesis by arguing, Sinclair's secular-nationalist historiography undermined his analysis of the humanitarians. This thesis, therefore, presents a reconsideration of mid-nineteenth century humanitarianism with greater sensitivity towards 'the evangelical age' of early Victorian Britain, and its much ignored intellectual culture and complexity. It tracks the emergence of the

¹ Keith Sinclair, *A History of New Zealand* (Auckland: Penguin Books, 1980 edition [orig. pub. 1959]), 69.

aborigines protection movement in the 1830s, and, with particular reference to New Zealand, studies humanitarian thought up to the end of the 1840s; that is, from its formation to its fullest enunciation of 'aboriginal rights' in early colonial debates regarding New Zealand.

Moving beyond the observation that the philanthropic party or 'the humanitarians' were religious, this thesis attempts to explore the possibility that this might mean something for aboriginal rights and intellectual history. Or, to put it more pointedly; religion has more to contribute to our understanding of 'aboriginal rights', 'humane colonization', and British imperialism in this period than the conventional, anti-intellectual view that a 'muscular' evangelicalism gave new 'impulse', 'vitality', and 'enthusiasm' to imperial reform. This thesis focuses on reconsidering the quality of philanthropic thought in itself, or, to emphasize the subjective bias even further, attempts a reading of the nineteenth century 'humanitarian imagination' in its concern for indigenous peoples.

Such an approach signals two key points. First, it is beyond the scope or intention of the thesis to consider the actual impact of the APS's ideas on imperial policy. Certainly, I emphasize and delineate the APS's support for treaties and its defence of the one signed at Waitangi. But whether the APS/humanitarian advocacy of "land rights for 'native' peoples...was one of the principal origins of the Treaty of Waitangi",² as Sinclair and imperial historiography have affirmed, this is a question this thesis does not propose to answer. In light of recent studies that have contributed to a more complex view of the period, this hypothesis of the humanitarian impact does seem simplistic.³ Regardless, it is better that the ideas of the humanitarians are understood more closely before any claims of their 'historical impact' can be made, refuted, or complicated.

² Keith Sinclair, *Halfway Round the Harbour: An Autobiography* (Auckland: Penguin Books, 1993), 104.

³ Particularly, see Mark Hickford, "Making 'territorial rights of the natives': Britain and New Zealand, 1830-1847", (Unpublished Ph.D thesis, University of Oxford, 1999), Lindsey Te Ata o Tu MacDonald, "Political Theory and Maori property rights in early colonial New Zealand" (unpublished paper presented to New Zealand Historical Association Conference, December 2001, University of Canterbury), and forthcoming work from Damen Ward on criminal law and indigenous peoples in nineteenth century Australia.

Second, given the preference to take a more subjective approach, the thesis comprehends ‘humanitarian thought’ not in terms of a ‘political language’ or key individual thinker – methods that are problematic for this subject – but in terms of an eschatological vision of hope, regeneration, and fulfilment. Sinclair had a sense of this when, in reference to the evangelical context, he described the new colony of New Zealand as “the scene of a Utopian experiment.”⁴ The humanitarians were united in terms of a future vision worked out in critical reference to history, and in this sense they were ‘utopian’. But they also rebuked this designation. Their ideal, they believed, was *both* realistic *and* visionary. In other words, it was radically religious. As I shall argue, it was a Quaker-dissent influenced evangelical ideal that that looked to the exemplary within the sinful. In the peaceable kingdom of Pennsylvania, humanitarians found an exception to the general history of colonial violence and the destruction of indigenous peoples. In an evangelical ‘age of atonement’, this image adorned a prophetic politics that, at least initially, idealized the origins of colonization in New Zealand. Whether or not humanitarianism was important to New Zealand, New Zealand was definitely important to the humanitarians. In conversation with ‘the New Zealand question’, the APS worked out its vision of rights, citizenship and political community. The Aborigines Protection Society, in its formative years, looked to ‘New Zealand’ for signs of a new era; a millennial vision of peace, justice and cultural co-existence, a truly Christian civilization.

Beyond secularism and nationalism: a critique of ‘New Zealand history’

In 1993 Keith Sinclair asserted that “I would have carried out more research into British humanitarianism...than most, perhaps any, of the New Zealand historians.”⁵ But it was in 1946 that he researched and wrote his most detailed study – a Master’s thesis entitled “The Aborigines Protection Society and New Zealand: A study in nineteenth century opinion”.⁶ This chapter reconsiders Sinclair’s history of the Aborigines Protection

⁴ Sinclair, *A History of New Zealand*, 69.

⁵ Sinclair, *Halfway Round the Harbour: An Autobiography* (Auckland: Penguin Books, 1993), 112.

⁶ Keith Sinclair, “The Aborigines Protection Society and New Zealand: A study in nineteenth century opinion” (M.A. Thesis, University of New Zealand, Auckland, 1946).

Society as an introduction to my own thesis which presents a substantially different interpretation of nineteenth century humanitarianism. Although Sinclair's thesis was written in 1946 and never published, it is important for three reasons.

First, Sinclair's thesis was the first piece of focussed research to look at the Aborigines Protection Society (APS) and New Zealand, and remains the most comprehensive study of humanitarianism on early New Zealand history. Despite being unpublished, the thesis also remains one of the most detailed studies of the APS worldwide. Other studies include two quite dated yet reliable articles by Raymond M. Cooke that look at the APS and New Zealand but follow Sinclair's emphasis on the New Zealand Company and issues of self-government,⁷ two unpublished Ph.D theses conducted in the late sixties/early seventies on the APS and colonial policy toward Africa,⁸ an article by Kenneth D. Nwora on the APS and Africa,⁹ and an article by William E. Unrau interested in North American dimensions.¹⁰ More recently Andrew Porter has written an essay surveying nineteenth century evangelical and humanitarian campaigns of reform which touches on the APS,¹¹ and H.C. Swaisland published a focussed article that chiefly concerned the APS and Africa.¹² Most studies of the APS, then, were researched in the 1960s and 1970s. In comparison, Sinclair's thesis is only slightly more dated, is more detailed than most as an analysis of the APS's ideas (however problematically, as I will argue, Sinclair nevertheless was always concerned to approach humanitarianism in New

⁷ "British Evangelicals and the Issue of Colonial Self-Government", *Pacific Historical Review* (Vol. 34, No. 2, 1965), and "Two Faces of Philanthropy", *Journal of Religious History* (Vol. 5, No. 1, 1968).

⁸ Kenneth D. Nwora, "Humanitarian Pressure-Groups and British Attitudes to West Africa, 1895-1915", (Unpublished Ph. D. thesis, University of London, 1966) and Susan M.K. Willington's "The Activities of the Aborigines Protection Society as a Pressure Group on the Formulation of Colonial Policy, 1868-1880", (Unpublished Ph.D. thesis, University of Wales, Lampeter, 1973).

⁹ "The Aborigines Protection Society, 1889-1909: A Pressure-group in Colonial Policy", *Canadian Journal of African Studies* (Vol. 5, No. 1, 1971).

¹⁰ "An International Perspective on American Indian Policy: The South Australian Protector and the Aborigines Protection Society", *Pacific Historical Review*, (Vol. XLV, No. 4, 1976).

¹¹ "Trusteeship, Anti-Slavery, and Humanitarianism", in Andrew Porter (ed.) *The Oxford History of the British Empire; Volume III: The Nineteenth Century* (Oxford: Oxford University Press, 1999).

¹² "The Aborigines Protection Society, 1837-1909", *Slavery and Abolition*. (Vol. 21, No. 2, 2000), see also Swaisland's "The Aborigines Protection Society and British Southern and Western Africa (Unpublished D.Phil thesis, Oxford 1968).

Zealand race relations in terms of history of ideas)¹³, and is the only accessible consideration of the APS and New Zealand.

Second, the thesis, and the analysis contained within, is important given the subsequent influence its author had on the writing of New Zealand history. “The Aborigines Protection Society and New Zealand” was Keith Sinclair’s entrance into a New Zealand historical establishment he would principally shape. He was hired as a lecturer in history at Auckland University College on the basis of the M.A., completing his doctorate on the New Zealand wars in 1953. Sinclair founded the *New Zealand Journal of History*, and as a teacher trained some of the New Zealand’s leading historians (Claudia Orange, for example). In a tributary collection of essays in the *New Zealand Journal of History*, Judith Binney and Keith Sorrenson reflected that “Keith Sinclair’s stimulus in the teaching and writing of New Zealand history has been more extensive than any one single individual”.¹⁴ Of his many influential works, Sinclair’s *A History of New Zealand* remains the only comprehensive modern treatment of New Zealand history written by a single author, and has been continuously in print since it was first published in 1959.¹⁵ It has been described generously as having reared “two generations of students”¹⁶, and more sceptically as “a text that created a history”.¹⁷

Sinclair’s *History*, in tandem with the literary nationalism of the post-war period¹⁸, rejected “the attempt to explain New Zealand in terms of Britishness” and instead interpreted New Zealand history as “the story of a people’s growing national self-

¹³ See Sinclair’s “Why are Race Relations in New Zealand Better than in South Africa, South Australia or South Dakota?”, *New Zealand Journal of History*, (Vol. V, No. 2, 1972), which argues that ideational (ie. humanitarianism) factors in history are the most important in explaining why New Zealand race relations are better than other commonwealth countries.

¹⁴ “Editorial Introduction” in Judith Binney and M.P.K. Sorrenson (eds.), *Essays in honour of Sir Keith Sinclair* (*New Zealand Journal of History*, Vol. 21, No. 1, April 1987), 7.

¹⁵ The work has been through five editions, the most recent being published seven years after his death in 1993 and updated to include events up to the Labour-Alliance coalition government of 1999; i.e. Keith Sinclair, *A History of New Zealand*, revised edition with additional material by Raewyn Dalziel (Auckland: Penguin Books, 2000).

¹⁶ Inside cover of Keith Sinclair, *Halfway Round The Harbour*, op. cit..

¹⁷ M. P. Grimshaw, “‘Fouling the Nest’: The conflict between the ‘Church Party’ and Settler Society during the New Zealand Wars 1860-1865” (Unpublished Ph.D Thesis, University of Otago, 1999), 27.

consciousness...”¹⁹. In the context of this historical profession and project – the establishment of a *nationalist* paradigm of New Zealand historiography – his early Master’s thesis *is* important in that in it he formulated an analysis regarding the character and influence of humanitarianism on race relations that Sinclair would later rely on and consolidate in numerous published works.²⁰ It is curious that “The Aborigines Protection Society and New Zealand” is about the only work not included in the massive bibliography of Sinclair’s writings as compiled in *Essays in Honour of Sir Keith Sinclair*.²¹ This is a major oversight, particularly given the obvious influence the analysis of humanitarianism and New Zealand as developed in Sinclair’s Master’s thesis had in his subsequent treatment of the subject.

Moreover, and this is the third reason for the thesis’ importance, it was an interpretation subsequent New Zealand historians have relied on almost unquestionably.²² On the only occasion in which a major New Zealand historian questioned the thesis, he did so erroneously. M.P.K. Sorrenson, a friend and colleague of Sinclair and his successor (with Judith Binney) as editor of the *New Zealand Journal of History*, in an article entitled “Treaties in British Colonial Policy: Precedents for Waitangi” followed Sinclair’s thesis but also corrected what he thought was a plain error in it.²³ Sorrenson accepted that the historical curiosity of a treaty (at Waitangi) was due to a “humanitarian climate of opinion”, but viewed this treaty language more as an echo of seventeenth century

¹⁸ Sinclair was, of course, a keen and published poet who worked with others to create a “national literature”. See Sinclair, *Halfway Round the Harbour*, p. 139 and chapter 8, “A Very Literary Scene”, generally.

¹⁹ Keith Sinclair, *A History of New Zealand* (Auckland: Penguin Books, 1980 edition [orig. pub. 1959]), 326 and backcover.

²⁰ See especially, Sinclair’s *A History of New Zealand* (1980 edition), pp. 62-4, 130, *The Origins of the Maori Wars* (Wellington: New Zealand University Press, second edition 1961 [orig. pub. 1957]), pp. 19-27, “Why are Race Relations in New Zealand Better than in South Africa, South Australia or South Dakota?”, *New Zealand Journal of History*, (Vol. V, No. 2, 1972).

²¹ Judith Binney and M.P.K. Sorrenson (eds.), *Essays in honour of Sir Keith Sinclair* (*New Zealand Journal of History*, Vol. 21, No. 1, April 1987, 189-193.

²² Thus, standard studies of early New Zealand history and race relations – Alan Ward’s *A Show of Justice: Racial ‘amalgamation’ in nineteenth century New Zealand* (Auckland: Auckland University Press, 1995 [orig. pub. 1973]), J.M.R. Owens’s chapter on ‘New Zealand before Annexation’ in W.H. Oliver and B.R. Williams (eds.) *The Oxford History of New Zealand* (Wellington: Oxford University Press, 1981), and Claudia Orange’s *The Treaty of Waitangi* (Wellington: Allen and Unwin Press, 1987) – rely on Sinclair’s thesis as the only secondary source on the Aborigines Protection Society.

²³ M.P.K. Sorrenson, “Treaties in British Colonial Policy: Precedents for Waitangi” in William Renwick (ed.), *Sovereignty and Indigenous Rights* (Wellington: Victoria University Press, 1991).

policy than the exact discourse of the nineteenth century humanitarians.²⁴ He argued that “Professor Sinclair seems to believe that the Treaty of Waitangi was a unique development in British colonial policy, the result of a recent bout of humanitarian conscience as seen in the 1837 Report of the House of Commons Committee on Aborigines”.²⁵ Correcting Sinclair, Sorrenson noted that “in fact that committee said that it was ‘inexpedient’ to enter into treaties with aboriginal peoples who could be too easily disadvantaged by the ‘ambiguity of language’ of such treaties and the superior sagacity which the Europeans will exercise in framing, in interpreting, and in evading them...”.²⁶ While this is a correct reading of the Report it is an inaccurate rendition of Sinclair’s writings, and a simplistic understanding of ‘humanitarianism’. Sorrenson has confused two reports – the British Parliament’s and the APS’s edited reprint. In fact, on page 34 of his thesis, Sinclair acknowledged that the Select Committee had regarded treaties as ‘inexpedient’, but that in its own edition of the Report, reprinted a year after the official Parliamentary edition, the APS dissented and recommended treaties which they saw as natural to humankind.²⁷ While noting this correction to a report the APS otherwise enthusiastically endorsed and disseminated, Sinclair does not offer any convincing explanation as what appears, without greater appreciation of the religious complexity and intellectual culture of humanitarianism, to be an anomaly. In this thesis, I will show that this was not anomalous but consistent with the ideas of key APS members who, as evangelical Quakers, were related to, but also distinctive in terms of, Anglican humanitarians.

Sinclair’s study set out two goals. His thesis “is an attempt to analyse the imperial opinions of the Aborigines Protection Society, and to produce a definitive narrative of the activities and opinions of that group with regard to New Zealand.”²⁸ In relation to the second of these aims, Sinclair presents a detailed treatment of the interaction between

²⁴ Ibid., 26.

²⁵ Ibid., 15.

²⁶ Ibid., 15, quoting from *British Parliament, House of Commons, Report from the Select Committee on Aborigines (British Settlements), Volume I Part II*, (1837), 80.

²⁷ See Aborigines Protection Society, *Report of the Parliamentary Select Committee on Aboriginal Tribes (British Settlements), reprinted, with comments, by the Aborigines Protection Society* (London: W.Ball, 1837).

²⁸ Sinclair, *The Aborigines Protection Society*, i.

these London based humanitarians and unfolding New Zealand colonial realities such as the land wars and the development of responsible government. The weakness of this narrative, however, lies in a failure to competently understand the ideas of the humanitarians (the thesis' first goal). Indeed the structure of the thesis works against it. That is, Sinclair begins with "the conflict of ideals in the colonization of New Zealand"²⁹ and concludes with a consideration of "the influence of the Aborigines Protection Society upon New Zealand history".³⁰ This format prompts a preliminary question: Can the ideas of a London-based, British society be appropriately read between these nationalist, antipodean bookends?

When refracted through the lens of 'New Zealand history', a key aspect of the APS is obscured. Emphatically, its identity as a primarily *Quaker* philanthropic body is lost. The discontinuity between the 'humanitarianism' of early colonial New Zealand (led by the Anglican dominated 'Church Party')³¹, and the humanitarianism of the British APS (led by marginal dissenters), has not been sufficiently appreciated. If religion in colonial New Zealand was 'Transplanted Christianity'³², the transfer was selective and partial. While not all the organs of Victorian religion and society were successfully implanted, intellectual debate in early colonial New Zealand remained a trans-colonial enterprise.

A greater sensitivity for the religious complexity and geographic scope of nineteenth century 'humanitarian Christianity' is needed if the ideas of the APS are to be properly contextualized and understood. That this has not been apparent is due to the general insensitivity of Sinclairian 'New Zealand history' to most forms of religion. John Stenhouse's reconsideration of the role of 'humanitarian Christianity' during the New Zealand Wars – though outlining the religious complexity of settler society – is thus hampered by a reliance on Sinclair.³³ Over against the Maori/Pakeha dualism of 'third

²⁹ Ibid., 1-12.

³⁰ Ibid., 120-133.

³¹ The term 'Church Party' is from Grimshaw, op. cit..

³² Allan K. Davidson and Peter Lineham (eds.), *Transplanted Christianity: documents illustrating aspects of church history in New Zealand*, (Palmerston North: Dept. of History, Massey University, third edition 1995).

³³ John Stenhouse, "Religion, Politics, and the New Zealand Wars 1860-1872" in Rex Adhar and John Stenhouse (eds.) *God and Government: The New Zealand Experience* (Dunedin: University of Otago Press, 2000).

phase' "hypercritical" revisionists, Stenhouse sees Sinclair and 'second phase' historiography ('first phase' being early imperial history), as providing a more complex picture of an internally contested Pakeha society.³⁴ Stenhouse reproduces Sinclair's triadic Settler-Maori-Humanitarian division of the political conflict, and, in so doing, obscures the difference between members of the APS and New Zealand Anglican supporters of Maori land rights.³⁵ Because Sinclair does not sufficiently articulate the intellectual background to the APS, 'humanitarian' becomes a flabby historical label used by Sinclair and more recent historians to indicate a general Christian philanthropic disposition towards Maori.³⁶

Stenhouse's appeal to 'second phase' history as the basis on which to argue the case for religious complexity is problematic. 'New Zealand history', as founded by Keith Sinclair, has consistently suffered from what one critic has called 'religious myopia'.³⁷ When Sinclair first wrote *A History of New Zealand*, he attempted to write the first full-scale history of New Zealand as 'seen through New Zealand eyes'.³⁸ Yet, as Michael Grimshaw makes clear, "his 'New Zealand eyes' appear to have little time or interest in the issues or impact of Christianity or religion" beyond the notion of New Zealand religious history as missionary history.³⁹ In Sinclair's chapter on "The Pioneers", "religion is granted a ten-line paragraph, but is hastily dismissed as being basically too 'difficult an issue, and anyway, of 'doubtful influence'." ⁴⁰ Indeed, "both 'Christianity' and 'Church' receive no mention in the index, and 'Religion' is only mentioned in the [above] reference...".⁴¹ Sinclair's secular vision is shared by the editors of *The Oxford History of New Zealand*, where religion is not included in those various activities –

³⁴ Ibid., 21-22.

³⁵ Michael Grimshaw provides a more sophisticated reading when he observes that "Of course the humanitarians and the 'Church Party' were two different groups, but it would be fair to say that the 'Church Party' fell within the realms of the humanitarian camp" [Grimshaw, op. cit., 60].

³⁶ Sinclair does use the term 'colonial humanitarian' to refer to Martin, Selwyn, and Hadfield, but does not differentiate their humanitarianism from that of the APS.

³⁷ Allan K. Davidson, "New Zealand History and Religious Myopia" in Susan Emilsen and William W. Emilsen (eds.) *Mapping the landscape: essays in Australian and New Zealand Christianity: festschrift in honour of Professor Ian Breward* (New York: P. Lang, 2001).

³⁸ Keith Sinclair, *Halfway Round the Harbour*, op. cit., p.129.

³⁹ Grimshaw, 28, 25.

⁴⁰ Ibid.

⁴¹ Ibid.

“political, economic, technological, intellectual and artistic” - through which “a society reveals itself..”.⁴² Missionary and Maori Christianity are covered by some contributors, but “apart from passing references to some individuals and churches religious history is virtually invisible in the rest of the book.”⁴³

The insensitivity of mainstream New Zealand history to religious phenomena has often been noted by historians such as Ian Breward⁴⁴, Peter Lineham⁴⁵, and Allan Davidson⁴⁶. However, their critique has generally left the *parameters* of that history intact. New Zealand historians of religion, who have bemoaned the secular bias of the New Zealand historical mainstream, have accepted its concomitant nationalist bias. For example, Allan Davidson emphasizes the ‘religious myopia’ of New Zealand history, yet recites the fundamental doctrine of Sinclair’s political and historical faith: that New Zealand needs/needed to discover “its own voice as an independent nation in the South Pacific.”⁴⁷ The critical religious-revisioning of New Zealand history has been content to call for the ‘integration’ of the ‘religious dimension’ into “New Zealand history as a whole”⁴⁸, and has not insisted that an appreciation of the ‘religious dimension’ (or any other dimension) may require a more focussed consideration of realities that are not of a strictly New Zealand context. While this may be acceptable for many aspects of religious history in New Zealand - though even before the world was officially ‘globalized’, religion surely remained significantly trans-national - such a self-limitation cannot be maintained in both the approach and subject of this thesis. That is, an intellectual history of humanitarianism in the nineteenth century will need to break free of the twin constraints of New Zealand historiography as found in Sinclair’s secular nationalism.

⁴² W.H. Oliver, Introduction”, in Oliver and Williams (eds.) *The Oxford History of New Zealand*, op. cit., viii.

⁴³ Davidson, “New Zealand History and Religious Myopia”, op. cit., 212.

⁴⁴ Ian Breward, “Religion and New Zealand society”, *New Zealand Journal of History* (Vol. 3, No. 2, 1979).

⁴⁵ Peter Lineham, “Religion”, in C. Davis and Peter Lineham (eds.) , *The Future of The Past: Themes in New Zealand History* (Palmerston North: Department of History, Massey University, 1993).

⁴⁶ Davidson, “New Zealand History and Religious Myopia”, op. cit.

⁴⁷ Ibid., 206.

⁴⁸ Lineham, “Religion”, op. cit., 21.

In his critique of the way in which New Zealand history has been constructed, Michael Grimshaw draws on postmodernist insights in his characterization of the 'modernist grand narrative' of 'New Zealand history'. Grimshaw's own study of the conflict between the 'Church party' and settler society during the New Zealand Wars attempts to reclaim a debate written out of history by the secular historiography of mainstream New Zealand historians. My reconsideration of the Aborigines Protection Society – in situating their ideas in a nineteenth century British Quaker context - challenges both the secularism and the nationalism of New Zealand history. It insists that without an understanding of the emergent world of nineteenth century Quaker politics, our understanding of the APS will remain shallow. This critique does not, of course, entail a return to the grand narrative of New Zealand history as imperial history. Instead, following Grimshaw, it emphasizes plurality, complexity, and discontinuity in history. It attempts to reclaim suppressed religious voices and political ideas; an alternative vision marginalized by social, political, and academic elites in both the nineteenth and twentieth century.

Against this approach the nationalist historian may respond: nevertheless, if not imperialist, this re-focussing makes New Zealand an appendage and irrelevancy. To agree with this counter-argument one would have to accept the nationalist view that New Zealand can only be important if it remains the primary focus and structuring principle of an historical study. While recognizing the importance of detailed local studies, I also acknowledge that an understanding of many of the central, vexed issues of New Zealand history and politics – principally, the Treaty of Waitangi – requires the focussed study of actors and organizations who were not based in New Zealand. As one intellectual historian of the nineteenth century has recently remarked, New Zealand historiography is often "accompanied by a sense of patriotism so that historians are frequently unwilling to extend themselves beyond a parochial paradigm even when they are dealing with a time in which the ideas of English politicians and the greed of Sydney land speculators had more impact on New Zealand events than local developments had."⁴⁹

⁴⁹ Mark Francis, "Writings on Colonial New Zealand: Nationalism and Intentionality", in Andrew Sharp and Paul McHugh (eds.) *Histories, Power and Loss: The Uses of the Past – A New Zealand Commentary* (Wellington: Bridget William Books, 2001), 170.

Although I will avoid making an inflated claim for the historical “impact” of the APS, I will claim that, whatever their influence on New Zealand, New Zealand mattered to them. While its ideas are only understandable with reference to such far away places as London, Exeter, and Pennsylvania, and while its concern was for aborigines the world over – from the Hottentots in Cape Colony to the ‘Hill Coolies’ in India – an historical convergence ensured that ‘rights of aborigines’ crystallized in dialogue with “the New Zealand question”. This convergence – that the aborigines protection movement had come of age when the colonization of the New Zealand islands was being considered – was seen as something much more meaningful than mere historical accident. *Atonement*, for the violence of empire, and *prophecy*, the prophetic example of William Penn’s ‘Holy Experiment’ in benevolent colonialism, fed into to an eschatological vision of Quaker hope. The hope for New Zealand was not just commercial, but theological. The prosperous New World of a redeemed British colonialism, was, for the APS, a truly pacific island. This humanitarian vision of the peaceable kingdom has been obscured by the secular nationalist’s own ideal of New Zealand as a Pacific Island.

Beneath the surface: The hidden history of humanitarianism

For those interested in the relationship between humanitarianism and indigenous rights in New Zealand history, Sinclair’s thesis presents mixed views. On the one hand he attributes the apparently unique and benevolent aspects of New Zealand race relations to a definite humanitarian influence. Conversely, humanitarianism is portrayed as intellectually shallow, confused, and politically conservative. His assessment on the character and influence of humanitarianism presents both a strong and a weak thesis.

Beginning with his ‘strong thesis’, Sinclair argues that although preparing Maori for cultural assimilation, “the pressure of humanitarian opinion in general over a long period on the British governments and people, had a mitigating effect on the treatment of the

Maoris.”⁵⁰ This meant that in New Zealand “the interests of an aboriginal people were not entirely ignored in practice as they had been in most parts of America or in Tasmania.”⁵¹ It is important to note that Sinclair distinguishes between various actors in the ‘humanitarian movement’. The major distinction is between missionaries led by Dandeson Coates (of the Church Missionary Society), who, in the 1830s, argued against British colonization, and the APS (‘the humanitarians’ proper). Though situated in the same British evangelical world, the APS did not oppose colonization *per se*. Instead it argued for aboriginal protection through a principled colonization, one based on the recognition of full political rights for Maori. In “the conflict of ideals in the colonisation of New Zealand”, the APS took a mid-way position between Coates and Wakefield.⁵² Clauses in the Treaty of Waitangi which guaranteed the “Maori rights” that the underpinned the APS’s “humane colonisation” are seen by Sinclair as concessions to the humanitarians.⁵³

Furthermore, the *concept* of a treaty is one that Sinclair recognizes as peculiar to the APS’s strain of humanitarianism. This stands in contrast with parliamentary ‘humanitarian opinion’ that saw treaties as prejudicial against aborigines.⁵⁴ Sinclair’s musings on this matter are confined to a footnote in which he notes that the APS disagreed with the 1837 Select Committee on Aborigines on the matter of treaties, and that “the Government in the case of New Zealand did not follow the Committee – hence Waitangi.”⁵⁵ Although Sinclair does not pursue the connection between the APS and Waitangi more fully, he clearly believed its influence to be highly significant. In his *History* he argued that the “Brave New World” and “Utopian Experiment” of New Zealand, this “new and noble beginning in British colonial policy”, was largely thanks to the optimistic evangelicalism which the APS most fully embodied.⁵⁶

⁵⁰ Sinclair, “The Aborigines Protection Society”, op. cit., 8.

⁵¹ Ibid.

⁵² Ibid., 1-12.

⁵³ Ibid., 4-5.

⁵⁴ Ibid., 34.

⁵⁵ Ibid., 34.

⁵⁶ “The history of New Zealand was to be distinguished from that of earlier settlement colonies; the fate of the Maoris was to differ from that of the American Indian, the Bantu, the Australian or Tasmanian Aborigine; for the new colony was being launched in an evangelical age. Imperialism and humanitarianism would henceforth march together. Even the Colonial Office, without much conviction, hoped that New

As late as 1993 Sinclair maintained that the APS's emphasis on "the land rights of 'native' peoples...was one of the principal origins of the Treaty of Waitangi."⁵⁷ Yet, for Sinclair, Waitangi was never really the focus of race relations that it has become for later New Zealand historians and intellectuals. In "The Aborigines Protection Society and New Zealand", Sinclair explores the Waitangi connection in the margins of his thesis. A more pressing political concern at the time the thesis was written, and one more in tune with Sinclair's nationalist politics and pacific interests, was the post-war and post-colonial configuration of the world. The question of national independence looms large as the primary question of race relations in Sinclair's thesis and career. And despite its ardent imperialism, and the general historical "failure of humanitarianism" as witnessed in the New Zealand Wars,⁵⁸ the APS are credited with a remarkable achievement.

Following W.K. Hancock's suggestion that the principle of 'dual mandate' is descended from the evangelical movement, Sinclair argues that APS members "were among the intellectual pioneers of the concept of 'trusteeship'."⁵⁹ Sinclair's observes that by the 1880s the APS had abandoned its once doctrinaire policy of racial amalgamation (ironically at the time which it was being established), and instead argued for racial equality and the protection of Maori rights through dual government and bi-racial community. He notes that the proponents of this ideal did not live "to realise that their conception of a bi-racial community with a non-racial organisation was to come nearer to fulfilment in New Zealand, for which country they had first conceived it, than anywhere else in the world."⁶⁰ The thesis closes reflecting on the "seventeen articles and three whole chapters" that the newly formed United Nations devoted in its Charter to "the idea of trusteeship", to "the duty of advanced nations to assist less advanced peoples to climb

Zealand would be the scene of a Utopian experiment." Sinclair, *A History of New Zealand* (1980 edition), pp.68-69. Also see Sinclair's brief "Why are Race Relations In New Zealand Better than in South Africa, South Australia or South Dakota?" (1972), op. cit..

⁵⁷ Sinclair, *Halfway Round the Harbour*, 104.

⁵⁸ The failure of the humanitarians is an interpretation that runs throughout Sinclair's thesis, and is reinforced in *The Origins of the Maori Wars*, op. cit., especially chapter XIII: "The Failure of Humanitarianism", and *A History of New Zealand* (1980 edition), 130.

⁵⁹ Sinclair, "The Aborigines Protection Society", op. cit., 11.

⁶⁰ *Ibid.*, 118, and also 7-8.

the ladder of self-government and to share the liberties and duties of world citizenship.”⁶¹
 “For this great change of world conscience”, Sinclair sweepingly states, “the humanitarians of nineteenth century England must be given a large share of the credit.”⁶²

Bringing these threads together in terms of Sinclair’s strong thesis is a rather one-sided way of representing the thesis as a whole. In fairness, the thesis is more often realistic than galactic in its conclusions. Yet the strong conclusions remain, and seem even more remarkable in light of Sinclair’s figuring of humanitarianism as intellectually thin and politically conservative. Indeed the subtitle of the thesis – “A Study in Nineteenth Century Opinion” – illustrates Sinclair’s approach. In other words, the APS are generally conceived as possessing ideas more properly situated at the level of ‘opinion’, and this ‘weak thesis’ runs parallel to, and in tension with, Sinclair’s ‘strong thesis’ as to their impact on race relations.

According to Sinclair, the humanitarians had an “ideal of empire” that conflicted with that of the New Zealand Company and even the Church Missionary Society, but “it was rather a sentiment than a goal, and without a thinker of the calibre of Wakefield they lacked an agreed programme.”⁶³ The installation of Wakefield as the premier intellectual is a clear feature of Sinclair’s narrative of early colonial New Zealand’s “wars of ideas”.⁶⁴ The New Zealand historian’s begrudging admiration for this secular thinker is accompanied by comparisons that serve to deprecate his religious and humanitarian opponents. Wakefield becomes a normative standard for the construction of intellectual history in New Zealand.⁶⁵ In Wakefield’s shadow, the APS are “lacking a man of genius – for only a great mind could have performed this task in their time”.⁶⁶ Consequently “the [Aborigines Protection] Society never developed an integrated philosophy.”⁶⁷ Putting aside the secular bias for the moment, one can observe what one critic has called

⁶¹ Ibid., 132.

⁶² Ibid.

⁶³ Ibid., 3.

⁶⁴ Ibid., 1.

⁶⁵ See Mark Francis, “Writings on colonial New Zealand: nationalism and intentionality”, op. cit., for a critique of this representation of Wakefield by many New Zealand historians.

⁶⁶ Sinclair, “The Aborigines...”, 11.

⁶⁷ Ibid.

‘hindsight historiography’ – a characteristic feature of nationalistic New Zealand histories – working to distort Sinclair’s attempts at intellectual history.⁶⁸ In other words, Sinclair takes the victory of the colonists in the New Zealand Wars and works backwards, using this to assess the ‘war of ideas’ in the colonization of New Zealand. Everything becomes inevitable.

In comparison to Wakefield’s coherence – the sort of unity one receives from sustained historical study and from being biologically singular – the humanitarians are seen as a disparate grouping of individuals united only, it would seem, by a spontaneous, almost reckless, urge to be goodly. “They were united”, Sinclair argues, “in little but the belief that in the past colonisation had been a calamity for the native races and that it was Britain’s especial mission to evangelise the backward peoples of the world, and to lead them to the blessings of Protestantism and western civilization.”⁶⁹ This disunity stemmed from “wide rifts in the body of humanitarian imperial beliefs”,⁷⁰ though Sinclair never really describes or explains what these are. He is certain that “there was no agreement about the empire which should be aimed at except that it should be Protestant and humane, or about the ideal relations between the Europeans and the natives within that empire”,⁷¹ despite otherwise arguing quite obviously to the contrary.

If Sinclair presents a confusing representation of the humanitarians, it maybe because he is confused as to how to represent them. This confusion should not be mistaken as complexity. Rather, it can be seen as the attempt to understand sometimes perplexing primary materials in terms of background contexts that do not fit or are not more fully articulated. Many of the key intellectual features of the APS are therefore unexplained, improperly explained, or explained away. For example, there is no considered explanation as to why the APS would insist on the wisdom of treaties with indigenous peoples, and argue this point even though the 1837 Parliamentary Report, which the APS endorsed and disseminated, explicitly argued that treaties worked against aboriginal

⁶⁸ Francis, “Writings on colonial New Zealand”, op. cit., 170.

⁶⁹ Sinclair, “The Aborigines Protection Society”, 3.

⁷⁰ Ibid., 4.

⁷¹ Ibid.

interests. Sinclair also highlights natural rights theory as an obvious and central feature of the APS's vocabulary, but fails to adequately source this. Natural rights, as with treaties, are sketchily identified as part of a "Lockian tradition" the APS had inherited from anti-slavery.⁷² But Sinclair sees this use of rights theory, and of international law, in terms of expediency rather than principle: "the concept that aborigines had rights was a convenient weapon, divested of any radical implications."⁷³ While the APS's use of rights and international law may well have been expedient, it begs the question; expedient toward what end, in accordance with which principles? Clearly this question, for Sinclair, is inappropriate. It is asking too much of the humanitarians.

The use of rights theory raises another unexplained anomaly. Sinclair is insistent that the use of rights theory was "shorn of any radical implications", as the humanitarians are depicted as evangelicals, whigs, and imperialists who would have been vehemently opposed to the philosophy of Paine and the French revolution.⁷⁴ While this may be true, Sinclair then has to explain why, in the 1860s, the colonial New Zealand newspapers referred to the APS as "radicals and republicans."⁷⁵ Sinclair does not treat this as a mere rhetorical strategy on the part of settler media, but rather reiterates a familiar refrain; "...the Aborigines Protection Society, with the conservative intention of wishing to mould the Maori race into a social replica of the English, were extending to a primitive people rights which they were not prepared to advocate for the working class at home."⁷⁶ This socialist critique is earlier deployed to explain why the protection of aborigines emerged as a political cause. That is, "Wesleyanism would have no truck with radicalism and that, combined with the half-century of delay imposed by the French Revolution upon English political and social reform effectively turned British humanitarian eyes from home distress to the slaves and natives."⁷⁷ But this explanation is ridiculous, not least because the leading members of the APS were committed to such causes as poor relief, prison reform, the abolition of capital punishment, the disestablishment of the

⁷² Ibid., 27, 34.

⁷³ Ibid., 27.

⁷⁴ Ibid., 13, 27.

⁷⁵ Ibid., 128.

⁷⁶ Ibid., 128-129.

⁷⁷ Ibid., 13-14.

church, Catholic emancipation, Jewish rights, and the peace movement. While the membership of the APS all voted liberal, they also espoused a form of radical politics that Sinclair, and for that matter many historians of political thought in nineteenth century Britain, have ignored. The politics of humanitarianism does not fit the usual categories – Chartist, republican, utilitarian/Benthamite – of Victorian radicalism.

Perhaps the most significant tension one would expect Sinclair to adequately explain, if only because he alludes to it so often, is the APS' reformist approach to colonization. In other words, the APS is tenuously positioned between its evangelical fellows (the missionary societies who saw colonization as disastrous for Maori), and the colonizing New Zealand Company (whose commitment to protecting native interests was vague and short-lived). Indeed, in Sinclair's account it is not treaties or aboriginal rights that are distinctive. Rather, the humanitarians "were united in little but the belief that in the past colonisation had been a calamity for the native races and that it was Britain's especial mission to evangelise the backward peoples of the world...".⁷⁸ As this is claimed to be the source of the twentieth century idea of trusteeship, it is even more important that Sinclair convincingly explains what seems to be a gaping contradiction at the very heart of the humanitarian ethos.

If the humanitarians were convinced of the evils that colonization had visited upon aboriginal peoples – and I am not sure that Sinclair appreciates the extent to which the humanitarians proclaimed this⁷⁹ – then why insist future colonization could benefit and even 'elevate' aborigines? Why not follow the missionary societies or secular British radicals and argue that colonization and aboriginal welfare were, for the moment, incompatible? Sinclair explains what he calls "pious optimism" and "evangelical imperialism"⁸⁰ by situating the APS in a civilizing-imperialist vein of anti-slavery. The African Institute, founded in 1807 by abolitionists such as William Wilberforce and Thomas Fowell Buxton, is therefore identified as "the natural parent of the Aborigines

⁷⁸ Ibid., 3.

⁷⁹ I make this comment because Sinclair's study did consult the two humanitarian histories – William Howitt's *Colonization and Christianity* and Sax Bannister's *British colonization and coloured tribes* (both published in 1838) – which emphasized and argued this point.

Protection Society.”⁸¹ The Institute’s imperialist creed is argued to be inherited by the APS. Both organizations committed themselves to the “advancement” of primitive peoples through the extension of Christianity and civilization, and saw this mission as correcting the past historical record.

While a discourse of civilization is an important part of the humanitarian vocabulary, this comparison with the African Institute is unhelpful in understanding the APS. With a committee that included seven earls and viscounts, four bishops and five lords, and the Duke of Gloucester as its president and patron,⁸² the African Institute was the very model of religious and social conformity. In contrast, as one of the leading historians of British evangelicalism has correctly observed, the Aborigines Protection Society was “disproportionately a *Quaker* body [that also] enjoyed considerable Nonconformist support.”⁸³ Its “father and founder” was Dr. Thomas Hodgkin – the famous Quaker physician who still wore the simple back dress of the Society of Friends – who effectively led the APS from 1837 (when it was founded) to 1866.⁸⁴ Other presidents and leaders include F.W. Chesson (1866-1888) and H. R. Fox Bourne (1888-1909, when Bourne died and the APS merged with the Anti-Slavery Society) – both of whom were Quakers in religion and liberal in politics.⁸⁵ The organization was, as with many other Victorian philanthropic societies, largely funded by mercantile Quaker families such as the Gurneys, Sturges, and Cadburys.⁸⁶ In addition to Quakers and other dissenters, the APS membership included evangelical Anglicans, many like Prichard and Buxton having strong Quaker ties, and social nonconformists from the politically scandalous (such as the

⁸⁰ The names are Sinclair’s, and form the titles to chapters two and three of his thesis.

⁸¹ Sinclair, “The Aborigines Protection Society”, 14.

⁸² Ibid., see 14-15.

⁸³ D. W. Bebbington, *The Nonconformist Conscience: Chapel and politics, 1870-1914* (London: George Allen and Unwin, 1982) 112, my emphasis. William E. Unrau, in highlighting the APS’s American interests, also emphasizes the society’s strongly Quaker character. Other studies have noted this but, like Sinclair, do not pursue it further.

⁸⁴ Bourne, H.R. Fox., *The Aborigines Protection Society: Chapters in Its History* (London: P.S. King, 1899), 3.

⁸⁵ Ibid., 14, 25, 44.

⁸⁶ Members and financial contributors were all published in APS annual reports. See the bibliography for a full list of these.

colonial administrator Saxe Bannister⁸⁷, who controversially resigned as Attorney-general of NSW) to the religiously eccentric (such as the literary William Howitt, a Quaker who eventually converted to 'spiritualism').⁸⁸ Rather than depicting the African Institute as the 'parent' of the APS, Sinclair would have found a better forefather in the Society for the Abolition of Slave Trade (established in 1787). This society was founded by and mainly made up of Quakers, but was evangelical and trans-denominational in membership and appeal.

Even though he underestimates the degree to which the APS was 'disproportionately a Quaker body', Sinclair is not unaware of its strongly Quaker character.⁸⁹ It is just that for Sinclair this does not seem to *mean* much. Apart from an unmemorable reference to "the Quaker respect for profitable enterprise..."⁹⁰, Quakers appear indistinguishable from other evangelicals - all are depicted as sentimental as opposed to intellectual. For example, the roots of evangelical philanthropy reside in "passionate sympathy for the afflicted", the APS' leaders are not "intellectually of the first class" but are 'single-minded', 'sincere' and 'self-sacrificing', and the humanitarian 'ideal of empire' "was rather a sentiment than a goal".⁹¹ This one-dimensional portrait is summed up in Sinclair's reflection that "the Aborigines Protection Society inherited the sentimental, humanitarian attitude, of which Priscilla Gurney's last words "The poor, dear slaves", [was] wholly typical...".⁹² Herein lies the basis of Sinclair's 'weak thesis', his estimation of the APS as possessing 'opinion' rather than ideas. When religion is constructed in entirely non-rational categories - as 'sentimental', 'sympathetic', 'sincere', 'self-sacrificing', 'enthusiastic' and 'excitable'⁹³ - the humanitarians are concluded to be intellectually thin *because* they are religious.

⁸⁷ Unrau calls Bannister a "prominent Quaker" ["An International Perspective on American Indian Policy" op. cit., 522], but I have been as yet unable to verify this. That the *Dictionary of National Biography* notes that Bannister attended Oxford University would suggest he was not a dissenter.

⁸⁸ For a summary of these individuals see the relevant entries in the *Dictionary of National Biography*.

⁸⁹ Sinclair, *The Aborigines Protection Society...*, 3, 14, 17, 21, 42.

⁹⁰ *Ibid.*, 42.

⁹¹ *Ibid.*, 13, 21, 3.

⁹² *Ibid.*, 25.

⁹³ *Ibid.*, *passim* and 3, 13, 21, 25 specifically.

My thesis, in many ways, presents a complete reversal of the Sinclairian approach. I attempt to go beneath the surface of the APS's rhetoric and argue that the ideas of the humanitarians only become adequately understood when religion is taken seriously as a site of intellectual culture. I thus build upon recent studies which show that early nineteenth century evangelicalism was much more influenced by enlightenment rationalism than twentieth century evangelicals and secular historians have acknowledged.⁹⁴ In the midst of these shifting patterns of religious and intellectual complexity, I locate a Quaker influenced evangelical politics. This attention to Quakerism means that while broad, glacial changes in nineteenth century thought are important to note, the humanitarianism of the APS is also bound up with the changing dynamics of a relatively small, socially marginal, historically neglected, society of British religious dissenters. Humanitarianism, in the APS's form, thus remains largely hidden from both secular New Zealand nationalists, and from British historians whose broad categories of imperial, ecclesiastical, and political history have failed to bring nineteenth century Quakerism, and Quaker-influenced evangelicalism, into adequate focus.⁹⁵

Intellectual history and humanitarianism

In the writings of Keith Sinclair, New Zealand's leading historian of humanitarianism, secularist and nationalist assumptions ensure that his subject remains elusive. Despite presenting a good descriptive narrative of the APS's dealings with New Zealand, Sinclair's thesis is otherwise one where the sweep and dash of the pen comes at the expense of coherent analysis. For example, while introducing the APS in the 'war of ideas' amongst British colonial actors in the 1830s, they are immediately shown to

⁹⁴ See, for example, Doreen Rosman, *Evangelicals and Culture* (London: Croom Helm, 1984), Stuart Piggin, *Making Evangelical Missionaries, 1789-1858: The Social Background, Motives and Training of British Protestant Missionaries to India* (Abingdon: Sutton Courtenay Press, 1984), Boyd Hilton, *The Age of Atonement: The Influence of Evangelicalism on Social and Economic Thought, 1785-1865* (Oxford: Clarendon Press, paperback edition 1991 [orig. pub. 1988], esp. 20-21, 379, and D.W. Bebbington, *Evangelicalism in Modern Britain: A History from the 1730s to the 1980s* (London: Unwin Hyman, 1989) esp. 50-60.

⁹⁵ Still the best history of nineteenth century British Quakerism, Elizabeth Isichei's *Victorian Quakers* (Oxford: Oxford University Press, 1970) is a sociological and denominational history which does not focus upon intellectual dimensions.

possess neither real ideas nor unity. The hyperbole of context outstrips the substance of the humanitarian text, and Sinclair's intellectual war becomes a *fait accompli*. Eager not to follow such a methodology, I do not intend to accept Sinclair's strong thesis as to the influence of humanitarianism on race relations and work back to correct his weak thesis as to their intellectual depth. Mark Hickford's recent history of the British government's dealings with New Zealand from 1830-1847 with reference to the discourse of Maori proprietary rights reveals the complexity of policy making in trans-oceanic empires.⁹⁶ Humanitarianism can no longer be simplistically invoked to account for Waitangi. Rather, I seek to further nuance historical understanding by reconsidering the ideas of the APS (rejecting Sinclair's weak thesis), and leave an assessment as to their 'impact' on British policy toward New Zealand to a later date or person (deferring Sinclair's strong thesis).

There are other important ways in which my thesis breaks with Sinclair's. While I maintain that New Zealand was important for the APS, I do not intend for New Zealand to become a procrustean bed for humanitarianism. I will therefore place greater emphasis on delineating various texts and contexts which initially have very little to do with New Zealand. Further, because I propose deferring Sinclair's strong thesis until we have understood the humanitarians better in themselves – because my focus is intellectual history and political theory, and not the broader history of race relations and colonial policy – the types of primary materials I use will be different. Reconsidering the APS from the perspective of intellectual history distinguishes my thesis from other studies that have assessed the society in terms of 'New Zealand history' and race relations, imperial history and organizational history.⁹⁷ In contrast to previous analyses of colonial office records and the APS's correspondence with British and New Zealand government, I will look to more theoretical literatures that informed the 'aborigines protection movement'. Before I outline these texts, an appropriate method for an intellectual history of humanitarianism needs to be indicated.

⁹⁶ Mark Hickford, "Making 'territorial rights of the natives': Britain and New Zealand, 1830-1847", (Unpublished Ph.D thesis, University of Oxford, 1999).

⁹⁷ See the works discussed at footnotes 3-8.

In pursuing a *textual* history of humanitarianism, my approach to history of ideas is conventional. But what texts are available, and how are these to be mined and represented? Certainly Sinclair's preferential model of intellectual history is inappropriate for reasons already considered. The search for a 'man of genius' comparable to Wakefield – a history of heroic individuals reminiscent of Thomas Carlyle – is an unhelpful and pre-emptive approach. But the other extreme – looking for a supra-individual 'language' of politics – is also inappropriate. This method, heavily indebted to the writings of J.G.A. Pocock,⁹⁸ is followed by Mark Hickford who identifies languages of 'ius gentium' and 'stadial history' as key,⁹⁹ and less strictly by M.P.K. Sorrenson when he looks for and talks of "a language of aboriginal rights" in this period.¹⁰⁰ Hickford understandably concludes that the term 'humanitarianism' is "nebulous", and argues that "jurisprudential and historical frames of reference (idioms)...were the principal mediating vocabularies of what has been referred to as 'humanitarianism' when discussing the territorial rights of aborigines".¹⁰¹ While the APS spoke through these idioms, making them a primary focus will not reveal the way in which they were accented. Hickford seems to follow previous historiography in accepting 'humanitarianism' to be something spiritual that only becomes intellectual when it learns to speak in conventional languages of politics. The Pocockian search for the "proper language" of intellectual debate does not identify marginal individuals and groups, but works to exclude them.¹⁰² In this approach, as with Sinclair's, humanitarianism will remain elusive.

⁹⁸ For example, see Pocock's *Virtue, Commerce, and History: essays on political thoughts and history, chiefly in the eighteenth century* (Cambridge: Cambridge University Press, 1985), and "The concept of language and the *métier d'historien*: some considerations on practice" in Anthony Pagden (ed.) *The Languages of Political Theory in Early Modern Europe* (Cambridge: Cambridge University Press, 1987).

⁹⁹ Hickford, "Making territorial rights...", op. cit.. Significantly, Hickford's thesis does not assume these languages supplied a discourse of aboriginal rights. Instead he argues that policy in this area and period was characterized by debate and contestation in which these languages were utilized in an active process of 'making' [3, 5].

¹⁰⁰ Sorrenson, "Treaties in British Colonial Policy: Precedents for Waitangi", op. cit., 26.

¹⁰¹ Hickford, op. cit., ii.

¹⁰² See generally Siep Stuurman, "The Canon of the History of Political Thought: Its Critique and a Proposed Alternative", *History and Theory* (Vol. 39, No. 2, 2000), 157-158 on Pocock. From a more conventional perspective, Mark Francis and John Morrow have questioned the usefulness of the concept of political language in making sense of nineteenth century English political thought. They note that "nineteenth century political thinkers occasionally refer to aspects of one another's work, but they were not voices engaged in communication. They were not constructing a discourse, or even a variety of discourses." [Mark Francis and John Morrow, *A History of English Political Thought in the Nineteenth*

In contrast to Sinclair's focus on official APS reports and correspondence, I look to more discursive texts. That is, to moral histories and philosophies whose ideas informed Victorian philanthropic culture, and to histories, anthropological articles, and legal treatises written by members of the APS, or commissioned by the society, where humanitarian ideals were more substantially developed. Chapter one, therefore, prefigures the mid-century emergence of the APS by analyzing early nineteenth century antecedents including an 'exemplary history' of Quakerism (Thomas Clarkson's *A Portraiture of Quakerism* [1806]), and a much-neglected moral and political philosophy written by an evangelical Quaker moralist (Jonathan Dymond's *Essays on the Principles of Morality and on the Private and Political Rights and Obligations of Mankind* [1829]). A reading of these works sheds light on the sort of rhetorical and substantive dynamics of later humanitarian texts. Chapter two surveys the emergence of the aborigines protection movement in the 1830s, and in particular highlights historical discourse, and a 'humanitarian sense of history', as shaping this new cause of reform. This chapter focuses on the landmark parliamentary 'Report on Aborigines' (1837), and two humanitarian histories written by APS members; William Howitt's *Colonization and Christianity* (1838), and Saxe Bannister's *British Colonization and Coloured Tribes* (1838). Chapter four consolidates and explores the connections between history and the aboriginal rights through a comparison of the humanitarian sense of history with what Duncan Forbes has identified as a "Liberal Anglican idea of history", that emerged in the early Victorian period, underlying the evangelical and romanticist characteristics of these histories and the humanitarian image of the aborigine.¹⁰³ Chapter five, which looks at some anthropological and colonial debates at the end of the 1830s, provides a bridge between more general humanitarian histories of the 1830s, and the detailed discussion of constitutional issues in Louis Alexis Chamerovzow's *The New Zealand Question and the Rights of Aborigines* (1848), a consideration of which makes up the last substantial chapter of the thesis.

Century (London: Duckworth, 1994), 3]. Nineteenth century humanitarians were similarly uninterested in constructing a discourse, and invoking an identifiable intellectual language would be to over-formulate and pre-determine their inchoate politics.

¹⁰³ Duncan Forbes, *The Liberal Anglican Idea of History* (Cambridge: Cambridge University Press, 1952).

These, then, are the main textual materials with which the thesis searches for an appropriate approach. As I argued, to look for a conventional political language through which humanitarian writers founded their politics, or 'mediated' their convictions, would be to misconstrue them. Although humanitarians did use natural rights, law of nations, and 'stadial history', these were not unquestioned or foundational. Furthermore, as Mark Hickford and Lindsey MacDonald have both emphasized, the political status of indigenous peoples was indeterminate and contestable.¹⁰⁴ These specific, contextual factors gesture towards a more broader, basic recognition; contingency and agency are central to history and to a history of ideas. 'Aboriginal rights', therefore, can not be 'settled' by recourse to pre-existing legal doctrines, such as the common law doctrine of aboriginal title, and should be framed less definitively, as a 'process' in the 'making'.¹⁰⁵ As the humanitarians were always searching for something 'new', for a new era of aboriginal protection and improvement, their thinking is even more resistant to being neatly summarized in terms of some coherent legal or political language. This thesis, therefore, approaches humanitarian thought as a whole, or as close to it as one can reasonably come, in terms of an *imagination*; a culturally situated, resourceful, and creative process of intellectual critique and invention.

If humanitarian values and ideals can be seen as founded on any definite body of knowledge, it would be a religious one. In particular, given the Quaker-nonconformist nature of the APS, and the evangelical age in which its ideas developed, this thesis, following Boyd Hilton's studies,¹⁰⁶ highlights the importance of doctrines of *the atonement* (the propitiatory and redeeming sacrifice of Christ), and *eschatology* (the doctrine of last things, or more broadly, of the historical process and its fulfilment), in structuring the humanitarian imagination. Throughout the thesis I 'read' mid nineteenth-

¹⁰⁴ See Mark Hickford, "Making 'territorial rights of the natives': Britain and New Zealand, 1830-1847", (Unpublished Ph.D thesis, University of Oxford, 1999), Lindsey Te Ata o Tu MacDonald, "Political Theory and Maori property rights in early colonial New Zealand" (unpublished paper presented to New Zealand Historical Association Conference, December 2001, University of Canterbury).

¹⁰⁵ Hickford, 3.

¹⁰⁶ See Boyd Hilton, "The role of providence in evangelical social thought", in Derek Beales and Geoffrey Best, *History, society, and the churches : essays in honour of Owen Chadwick* (Cambridge: Cambridge

century humanitarian texts as held together by a common vision of atonement and regeneration, that found concrete expression in an historical and millennial image drawn from the Quaker tradition. Both a memory and a future, invoking William Penn's peaceable kingdom of cultural-coexistence in Pennsylvania, was a way to simultaneously critique the past, re-orient the present, and furnish a newly politicized Quakerism with a way of referencing its growing participation in the world. The following chapter, therefore, begins with 'the age of atonement', and elaborates the logic and pattern of this doctrine. Later, the thesis looks the redemptive scheme of the atonement – a national conversion and salvation that moves from confession through to regeneration and missionary evangelism – to unpack the humanitarian sense of history. Finally, in the concluding chapter titled "Imagining humanitarianism", I discuss the eschatological dynamic of humanitarian politics, and consider how this relates to the idea of utopia and early colonial New Zealand.

2. Prefiguring the Aborigines Protection Society

The common cognomen of this world among the misguided
and superstitious is "a vale of tears" From which we are to be
redeemed by a certain arbitrary interposition of God and taken
to Heaven - What a little circumscribed straightened notion!
Call the world if you please "The vale of Soul-making"...
...Do you not see how necessary a World of Pains and troubles
is to school an Intelligence and make it a Soul?

- John Keats, *The Letters of John Keats* (above extract, 1819)

That which is morally and religiously wrong cannot be politically right.

- 'A Christian Appeal from the Society of Friends...' (1854)

Whereas Victorian religion interested social historians in the 1970s,¹ in the late 1980s the study of nineteenth century currents of belief came to be seen as central in understanding the ideas of the middle class reformers of this era. Reviewing some of this literature, D.W. Bebbington noted; "Before the secularization that set in towards the end of the nineteenth century, a reverse process was at work...early nineteenth-century Britain was being sacralized."² Highlighting the place of religion in intellectual and political culture, is, as argued in chapter one, critical towards understanding humanitarian thought. Further, the type of humanitarians involved in the aborigines protection society defy simple classification. Prefiguring the APS requires attention to broad frames of reference such as 'evangelicalism' and 'Liberal Anglicanism', as well as to the relations and dynamics of Quaker reformist thought within this religious complex.

¹ For example, E.R. Norman, *Church and Society in England, 1770-1970* (Oxford: Oxford University Press, 1976), James Obelkevitch, *Religion in Rural Society: South Lindsey, 1825-1875* (Oxford: Oxford University Press, 1976), Thomas W. Laquer, *Religion and Respectability: Sunday Schools and Working Class Culture, 1780-1850* (New Haven, Conn.: Yale University Press, 1976), Stephen Yeo, *Religion and Voluntary Organisations in Crisis* (London: Croom Helm, 1976), A.D. Gilbert, *Religion and Society in Industrial England: Church, Chapel, and Social Change, 1740-1914* (London: Longman, 1976), and see the discussion in Hugh McLeod, "Varieties of Victorian Belief", *Journal of Modern History*, vol. 64 no. 2, June 1992.

² D. W. Bebbington, "Religion and Society in the Nineteenth Century", *The Historical Journal*, 32, 4, (1989), p.1004.

In this chapter I begin by looking at Boyd Hilton's influential *The Age of Atonement* (1988),³ which, as its subtitle indicates, emphasized 'the influence of evangelicalism on social and economic thought' in the first half of nineteenth-century Britain. Moving beyond the mere observation that humanitarians were evangelicals, a commonplace of historiography, Hilton's intellectual history contributed a more sophisticated understanding of the relations between religion belief and public culture. The identification of the doctrine of the atonement as the 'hinge' of nineteenth century evangelical thought is cogent and provocative. My thesis attempts to unpack the dynamics of atonement, perhaps more than even Hilton's study (which concentrated on economic thought), as later chapters of the thesis will argue for the centrality of the idea and 'politics of atonement' in understanding the aborigines' protection movement. As the APS emerged in the liberal reforming 1830s, the chapter also notes the arguments of Richard Brent's *Liberal Anglican Politics: Whiggery, Religion and Reform 1830-1841*⁴, which supplements Hilton with greater attention to religion and progressive politics in this key decade.

The bulk of the chapter, however, focuses on two early nineteenth-century Quaker-evangelical texts, a consideration of which draws out some of the political, philosophical and theological assumptions informing much early Victorian philanthropy. The first of these is Thomas Clarkson's *A Portraiture of Quakerism* (1806).⁵ From an evangelical Anglican perspective, this constructs an exemplary history of Quakerism in response to what Clarkson sees as widespread ignorance and prejudice about the Society of Friends. Clarkson is especially concerned to recommend Quakerism's radical moral approach to politics, but his method of doing this, through the medium of exemplary or 'moral history', prefigures not just some of the principles but also some of the favoured textual modes of mid-century humanitarian thought. The main text which the chapter looks at –

³ Boyd Hilton, *The Age of Atonement: The Influence of Evangelicalism on Social and Economic Thought, 1785-1865* (Oxford: Clarendon Press, 1988 [new paperback edition with postscript and reply to critics, 1991]). All page references from 1991 edition.

⁴ Richard Brent, *Liberal Anglican Politics: Whiggery, Religion, and Reform 1830-1841* (Oxford: Clarendon Press, 1987).

⁵ Thomas Clarkson, *A Portraiture of Quakerism, As Taken from A View of the Moral Education, Discipline, Peculiar Customs, Religious Principles, Political and Civil Economy, and Character of the Society Friends*, three volumes (London: Longman, Hurst, Rees and Orme: 1806).

Jonathan Dymond's *Essays on the Principles of Morality and on the Private and Political Rights of Mankind* (1829, in two volumes)⁶ – is a little known but significant moral and political philosophy, that works out a nineteenth-century Christian political morality from evangelical and Quaker traditions. A brief analysis of this work is important in understanding the sort of political theory that informed early Victorian Britain humanitarianism. More broadly, the texts of Clarkson and Dymond illustrate an increasingly politicized Quakerism, engaging with 'the world' through the influence of evangelicalism. The intellectual dynamics of the aborigines' protection movement, a politics of atonement imprinted with a nonconformist tradition, reflect and further develop this evangelical–Quaker reform complex.

Reform in an age of religion

Boyd Hilton's *The Age of Atonement* recast the period 1785-1865, as one whereby a broad, moderate evangelicalism exerted a more decisive influence on political economy and social thought than utilitarianism. For Hilton, "before 1850, especially, religious feeling and biblical terminology so permeated all aspects of thought (including atheism) that it is hard to dismiss them as epiphenomenal."⁷ Hilton thus selects the key evangelical doctrine of the atonement, to characterize the age. An "amalgam of enlightenment rationalism and evangelical eschatology" turning on the "hinge" of the Atonement – that is, the soteriology of the propitiary sacrifice of Christ – supported the prevailing political ideology of free trade and individualism.⁸ Moderates believed in a rational providence and permanent natural laws at work in the universe, and were postmillennialist in their conviction that the second coming of Christ and Judgement Day would occur after a thousand years of peace and prosperity. 'Extreme evangelicals', however, had much less faith in immutable natural laws, saw God's presence as more

⁶ Jonathan Dymond, *Essays on the Principles of Morality and on the Private and Political Rights and Obligations of Mankind*, two volumes (London: Hamilton, Adams and Co., 1829).

⁷ Hilton, ix.

⁸ Ibid., 3, 8, chapter one *passim*.

unpredictable and interventionist, and were adventist or premillennial believing in the imminent arrival and judgement of Christ.⁹

As Hilton dates it, the 'Age of Atonement' begins in the late eighteenth century as a middle and upper class reaction to the French Revolution and the English Jacobinism it stirred, and centred around reformers most often remembered as pioneering abolitionists. And "if political evangelicalism was born in an atmosphere of guilt, alarm, and perplexity during the early 1780s, events in the middle and later nineties – the reign of terror in France, fears of domestic insurrection, war, the threat of invasion, scarcity and Malthus's Essay – all greatly intensified feelings."¹⁰ There followed a temporary reprieve with the Peace of Amiens, and a time when Paley's comforting *Natural Theology* (1802) appeared, but this was duly interrupted by the illness of the King. The first decades of the nineteenth century "were characterized by further apocalyptic fears concerning revolution, invasion, blockade, food shortage, national debt, a mad king, and a general apprehension that England was about to be singled out for divine punishment."¹¹ In the light of these times the optimism of Paley's Christian utilitarianism not only seemed impious, it was unrealistic. For writers such as Wilberforce – whose *A Practical View of Christianity* (1797) was foundational to the Age of Atonement – and Malthus, "Paley's eighteenth century anodyne seemed inadequate to the needs of an age in which natural suffering and individual depravity were only too apparent."¹² The (moderate) evangelical approach was not to reject natural theology but to relocate it in the paradigm of atonement.

The resultant "adaptation of natural theology to a fallen world"¹³ maintained a commitment to a sort of individualism, but justified it against a divergent horizon. Whereas Christian utilitarians and liberals sympathetic to the French Revolution, believed in natural laws working toward a *telos* of beauty and happiness, evangelicals interpreted providence as interested in justice alone. Justice, that is, as "punishment –

⁹ Ibid., 10-17.

¹⁰ Ibid., 3-4, 204-205.

¹¹ Ibid., 205.

¹² Ibid., 5.

justice being regarded in an individualistic rather than a distributive light – and this priority in turn led to an emphasis on sin...”.¹⁴ The age confirmed the sinful nature of man, incapable of saving himself and deserving full punishment so that the fundamental justice of the being of God is honoured. But in the vicarious sacrifice of Jesus Christ an offer of salvation is made conditional on the believer accepting Christ’s death as his redemption, and opening his being to the workings of the Holy Spirit. Of course, to understand the true level of sin and remorse it was necessary “to *feel* the Atonement, to get *under the blood* in the words of the hymn.”¹⁵ Nevertheless, this was concomitantly a rational appeal to man’s conscience and common sense, discerning outward and inward reality, and to a belief in the providence and moral rectitude of God.¹⁶

Despite its grandiose title, Hilton’s historical study claims a fairly modest and achievable scope; ‘The picture that emerges here is inevitably distorted and partial, but it is an important picture nevertheless, since evangelicalism was as much a public ethic as it was a personal credo.’¹⁷ While the specifics of Hilton’s thesis are more applicable to Liberal Toryism, *The Age of Atonement* does establish a broad and persuasive schematic plane in which to locate or differentiate various actors. Further, Hilton’s identification of antislavery as “the supreme example of the politics of atonement” is crucial to this thesis, given the antislavery roots of the aborigines protection movement.¹⁸ In terms of the structure of humanitarian thought, as later chapters shall explore, underlining the atonement as the underlying trope of this evangelical period is significant. Taking the focus on the doctrine of atonement beyond Hilton, attention to its logic – to its ‘plan of redemption’ – assists in understanding the religious dynamics of the humanitarian ‘politics of atonement’. In particular, it explicates the sort of moral and historical reasoning that more generally inform ‘evangelical-humanitarian’ ideas in the early-mid nineteenth-century.

¹³ Ibid., 22.

¹⁴ Ibid., 21.

¹⁵ Ibid., 20.

¹⁶ Ibid., 25.

¹⁷ Ibid., 203.

¹⁸ Ibid., 209.

As the phrase suggests, 'the politics of atonement' refer to activities designed to redeem or atone for some past wrongs, such as committed against the enslaved 'negro', or, as shall be discussed, the dispossessed aborigine. They speak of a religiously visioned, self-consciously *moral politics*. It is important to understand the theological rationale of evangelical social reform lest it be crudely understood. Morality and redemption are intertwined in the 'age of atonement', though, as Bernard Reardon has stated, "to suppose therefore that the Evangelicals works of charity were done from utilitarian motives, in expectation of a heavenly reward, is to misconceive them completely."¹⁹ As "the Reformation doctrine of justification by faith lay at the root of evangelical piety", salvation could not be won only assented to. For the evangelical imagination, "thus the atonement is the heart of Christian of Christian truth. It was no mere example of self-giving love but a unique event in which, by the substitution of the sinless one for sinners, the just wrath of God was appeased and his attitude to mankind changed. Man himself contributes no more to his redemption than he did to his first creation. To God alone is the praise."²⁰

Underpinning the doctrine of atonement is the view "that sin is the hard core of the problem of evil, and an evil from which man cannot rescue himself."²¹ William Wilberforce's *Practical View*, reflecting a widespread evangelicalism that was not Calvinist, argued that humankind is "tainted with sin, not slightly and superficially, but radically and to the very core."²² Christ's atoning death achieved what sinful humanity could not: a perfect sacrifice to satisfy the justice of God. The correct human response was to *confess* of sin and moral evil, this being the initial step towards *conversion* and salvation. Conversion and the 'sanctifying' presence of God in the individual's life did not, for most nineteenth-century evangelicals, imply a renunciation of moral obligation. Antinomianism was incompatible with a doctrine of atonement fundamentally based on divine moral rectitude, on the belief that it is the radical justice in the being of God that

¹⁹ Bernard M. G. Reardon, *Religious Thought in the Victorian Age: A survey from Coleridge to Gore* (London: Longman, second edition 1995), 19.

²⁰ *Ibid.*, 18-19.

²¹ Leonard Hodgson, *The Doctrine of Atonement* (London: Nisbett and Co, 1951), 5.

requires a perfect sacrifice. 'Good works', though not winning salvation, were essential to the evangelical scheme of it. Adherence to the moral law and ethics of the New Testament was an outworking of the divine process of conversion, of God's redeeming presence in the life of 'the regenerate', publicly declared for all the world. As later chapters shall argue, the redemptive scheme of evangelical atonement – conversion and salvation by faith alone, from confession to regeneration, and ultimately to a missionary evangelism – underpins the politics of the humanitarian movement. That is to say, it mediates the various representations of indigenous peoples (and 'civilization') in historical, anthropological, and legal discourse.

Another recent work which reconsidered the place of religion in intellectual history was Richard Brent's *Liberal Anglican Politics: Whiggery, Religion, and Reform, 1830-1841* (1987). This study is a useful supplement, or corrective, to Hilton's treatment as Hilton's thesis was born out of a previous study of Liberal Toryism and its explanatory power is most attuned to this ideology.²³ Brent, on the other hand, charted the emergence of a new strain of Whiggery, whose ideas, he argued, underpinned the reforms of the 1830s (the decade when the APS was born). The crises at the turn of the century provoked internal divisions within the Whig party as gradually a group of 'Young Whigs' coalesced in opposition to the older Foxites. Brent's thesis is that the reform of both the Whig party and the British polity were not simply pragmatic exercises, but were based on a new set of principles that he calls 'Liberal Anglicanism'.²⁴ Nineteenth century liberals, as much as conservatives, were informed by religious ideology. Or, in Brent's words, 'the Whigs were no more immune from the contagion of nineteenth-century Christian renewal than were their Tory opponents...'.²⁵

²² William Wilberforce, *A Practical View or the prevailing Religious System of the Professed Christians in the higher and middle classes in this country contrasted with Real Christianity* (1797), 27, cited in Reardon, 18.

²³ Boyd Hilton, *Corn, Cash, and Commerce: The Economic Policies of the Tory Governments 1815-1836* (Oxford: Clarendon Press, 1977).

²⁴ Brent, 1-18, and see his prefatory 'Note on Terminology' for a discussion of 'Liberal Anglicanism'.

²⁵ *Ibid.*, 1.

The reform of Whiggery is a concern of this thesis for three main (interrelated) reasons. First, most basically, almost all Victorian Quakers voted liberal.²⁶ Second, the 1836 report of the parliamentary select committee on Aborigines, which launched the aborigines protection movement into the political mainstream, was secured and conducted by humanitarians in the Whig government. But, as Brent notes, the limits of the liberal coalition of the 1830s became most palpable in the attempt to placate a divided, increasingly radicalized humanitarian movement.²⁷ The rift in antislavery between the (Quaker influenced) Anglican evangelical Thomas Fowell Buxton and establishment liberals, and the Quaker Joseph Pease and the 'moral Radicals' is important as both men had connections with the APS. Traditionally, Buxton has been seen as the founder and intellectual pioneer of the APS and therefore the society has been assumed to share his Whiggish, imperialist disposition. However, in the following chapter I argue that Buxton was, intellectually, a quite marginal figure, that the APS were a predominantly non-establishment political force, and that they fit well into what Alex Tyrrell has outlined as the 'moral Radical' variant of early Victorian reform.²⁸ The APS thus straddle and push Brent's 'limits of Liberal Anglicanism', being both in some senses included and alienated by the Liberal Anglican ascendancy within the Whig party.²⁹ Third, the new reformist ideology, according to Brent, attempted to broaden the Whig's party appeal by reaching out to evangelicals and nonconformists.³⁰ The resultant alliance, however unstable, imbued progressive politics in the early Victorian period with a religious moralism, with a 'politics of atonement'.

If Brent's study highlights the reorganization of Whiggery due to the inclusion of nonconformist and evangelical elements, the opposite was also true. In the early nineteenth century great intellectual changes were taking place within nonconformity as a

²⁶ Elizabeth Isichei, *Victorian Quakers* (Oxford: Oxford University Press, 1970), 188-212.

²⁷ See the final chapter of Brent's study, "The Limits of Liberal Anglicanism The Liberal Coalition and the Anti-Slavery Movement".

²⁸ Alex Tyrrell, *Joseph Sturge and the Moral Radical Party in Early Victorian Britain* (London: Christopher Helm, 1987). For a broader, recent history of 'Christian radicalism' in this period, that emphasizes the existence of a popular rights discourse, see Eileen Groth Lyon, *Politicians in the Pulpit: Christian Radicalism from the Fall of the Bastille to the Disintegration of Chartism* (Aldershot: Ashgate, 1999).

²⁹ See chapter three of this thesis.

³⁰ Brent., 5, 8, 15, 16, 23- 24, 28, 31.

result of the eighteenth century evangelical awakening and its nineteenth century impact on public life. Given the Quaker bias of APS leaders and membership, this thesis is especially concerned to sketch the changes within this old, seventeenth century tradition of reformational dissent.

The evangelical engagement and the exemplary history of Quakerism

Though formed in the same apocalyptic climate of seventeenth century England, by the eighteenth century the Society of Friends quickly separated from other dissenters and underwent, ironically, their own process of religious institutionalization. Despite maintaining a strong antipathy toward hierarchy, centralization, and dogma, Quakers developed a distinctive code of dress, manners, and customs that earned them the designation of a 'Peculiar People'. The utopian, spiritualist, puritanical movement of George Fox and William Penn consolidated in the eighteenth century into a 'classical Quaker culture' characterized by political quietism, societal isolation, and economic prosperity.³¹

However, the political dimensions of Quaker dissent were never fully quieted, and Friends were amongst the first on both sides of the Atlantic to participate in antislavery societies. In Britain, when the Society for the Abolition of the Slave Trade was founded in 1787, out of its twelve-member first committee only two were not Quakers.³² Subsequently, Friends such as Joseph Sturge took up central positions of leadership in the British and Foreign Anti-Slavery Society (founded 1839), which represented the radical stream of the British anti-slavery movement (the APS would eventually fuse with this body in 1909). Indeed, such was their financial and political contribution to voluntary societies Elizabeth Isichei has observed that "an understanding of Victorian Quakerism is

³¹ For a brief summary of these periods see Ernest Gordon Rupp, *Religion in England 1688-1791* (Oxford: Clarendon Press, 1986), 138-152, 486-493, and John Punshon, *Portrait in Grey: A short history of the Quakers* (London: Quaker Home Service, 1984), 105-122.

³² Margaret E. Hirst, *The Quakers in Peace and War: An Account of Their Peace Principles and Practice* (New York: Garland Publishing, 1972 reprint [orig. pub. 1923]), 203, and generally see R. Antsey,

central to an understanding of Victorian philanthropy.”³³ This despite its religious society being miniscule in comparison to other dissenting churches, and throughout the early-mid nineteenth suffering from a rapidly declining membership.³⁴

The interdenominational voluntary society was an early and formative site where activist Friends could meet, interact, influence, and be influenced by similarly concerned Protestants (almost all, nonconformist or Anglican, being evangelical). It was, thus, the seedbed for a nineteenth Quaker evangelicalism. In Alex Tyrrell’s words, “during the late eighteenth century, the time when the pattern of Quaker philanthropy was being established, the Society was becoming less inward looking as members participated in interdenominational associations...”.³⁵ This stirred a theological crisis in the nineteenth century whereby the exclusionary quietism of the eighteenth century, became challenged by a gradual, yet discernable, evangelicalism. A compromise position was found in the writings of Joseph John Gurney (1788-1847) – banker, theologian, philanthropist – whose moderate evangelicalism attempted to blend traditional Quaker beliefs (such as the doctrine of the inner light, and the inclusion of women in ministry and leadership), with a scriptural orthodoxy. Gurney’s middle way was in the ascendancy by the 1830s.³⁶ It offered “consistent Quakerism on an evangelical foundation” as the “perfection of religion”.³⁷

Essays on Christianity (1825), Gurney’s most systematic work, is notable for its evangelical orthodoxy.³⁸ Gurney was a friend of Wilberforce, Edward Edwards, and Charles Simeon. Simeon, one of the more capable evangelical theologians, read Gurney’s essays ‘with great delight and edification’.³⁹ Though debarred from the

“Religion and British Slave Trade”, in D. Eltis and J. Walvin (eds.) *The Abolition of the Atlantic Slave Trade* (Madison, Wisconsin: University of Wisconsin Press, 1981).

³³ Elizabeth Isichei, *Victorian Quakers* (Oxford: Oxford University Press, 1970), xix.

³⁴ W.R. Ward, *Religion and Society in England 1790-1850* (London: B.T. Batsford, 1972), 67. On demography and membership patterns see Isichei, 111-118, 166-188.

³⁵ Alex Tyrrell, *Joseph Sturge and the Moral Radical Party in Early Victorian Britain* (London: Christopher Helm, 1987), 24.

³⁶ Isichei, 3-16. Ward, 67-69.

³⁷ Gurney quoted in Tyrrell, *ibid.*, 24.

³⁸ Joseph John Gurney, *Essays on the Evidences, Doctrines, and Practical Operation of Christianity* (Cornhill: J. and A. Arch, 1825).

³⁹ Isichei, 4.

university for his Dissent, Gurney studied at Oxford under private tutors and became a competent linguist and biblical scholar.⁴⁰ His theology places the atonement at the centre, and invites assent to the redeeming propitiatory sacrifice of Christ based upon belief in the rationality of God's *justice*.⁴¹ In emphasis, Gurney was probably closer to Wesleyanism than the moderate Calvinism of the Anglican evangelicals. But his stress on the universality of the atonement, a natural theology of conscience and the moral law, and strong doubts about the doctrine of predestination, were all shared by Wilberforce and others.⁴² In eschatology, which Hilton rightly highlights as central to political thought, Gurney was clearly a postmillennialist. He ends his *Essays* with a favourite Quaker description of the reign of God, and by definition, what "perfect justice and equity" look like – Isaiah's prophecy of the peaceable kingdom (Isaiah xi, 6-9).⁴³ Significantly, in keeping with the moral flight of Gurney's evangelicalism, this kingdom is described pre-eminently as securing a pacific and final victory over the '*moral wilderness*' of the world.⁴⁴

For this thesis, one of the most important lessons that can be drawn from Gurney's *Essays*, is with regard to the rhetoric of humanitarian Christianity. Even though Gurney's text, probably the first important piece of *public* scholarship to appear from a British Quaker in the nineteenth century, is principally written for and read by Friends, it addresses and participates in a broader intellectual world.⁴⁵ It was not just out of ambition or politeness that his *Essays on Christianity*, as a matter of methodological principle, aimed to "avoid the discussion of any of those points in religion, which can with nay reason be regarded as *peculiar* or *sectarian*."⁴⁶ Any overt denominationalism would undermine the very theological engagement and cooperative spirit that gave evangelicalism and reform in this period, as Brent argued, such broad appeal and political strength. Indeed, such was Gurney's claim to discuss only common, ecumenical, '*points*

⁴⁰ Punshon, 195.

⁴¹ Gurney, 388-392, 554.

⁴² See Isichei, 4-8.

⁴³ Gurney, 548, 565-6.

⁴⁴ *Ibid.*, 565-6, emphasis original.

⁴⁵ In 1824, the year prior to the publication of *Essays on Christianity*, Gurney had written a work specifically addressing Quakers; i.e. *Observations on the Religious Peculiarities of the Society of Friends*.

⁴⁶ Gurney, ix.

of union' in British religion, that, in final summation, he claimed his work appealed to all "fellow believers in the divinity of Jesus Christ – Roman Catholics, as well as Protestants – Calvinists, as well as Arminians – dissenters, as well as members of the various established churches..."⁴⁷

This does not mean that very real differences were being expressed and contested. The growth of evangelicalism caused internal schism within the Society of Friends, with some leaving to pursue a more purified evangelical religion.⁴⁸ Gurney's middle position, which informally retained much of the practice and doctrines of traditional Quakerism but tried to assimilate these into an evangelical orthodoxy, gained the assent of most Friends in the Victorian era, and forestalled more serious division till the late nineteenth century.⁴⁹ Nor were evangelical Quakers, or 'Gurneyites' as they became known, 'just another evangelicalism.' Gurney did not recant with regard to the 'Inner Light' and women's ministry, or accept predestination – positions which 'extreme evangelical Quakers' urged him to take.⁵⁰ Important Quaker themes and principles were retained, and these are most explicit in the evangelical Quaker support, indeed leadership of, Victorian antislavery, the Peace movement, prison reform et cetera. However, in public life and intellectual culture, Quaker tropes and motifs were implicit. And when explicit reference was made to notable Quaker figure, such as George Fox and William Penn, these were invoked as *examples* not *sources* – *exemplary* not *definitive* – of 'true Christianity'. This was an expression of both the principles of Protestant faith and the pragmatics of humanitarian reform. On the latter, Gurney noted in the introduction to his doctrine building; "Persuaded as I am of the vast importance of a right creed, I am nevertheless, well aware that the whole scheme of Christianity is directed to *practical* ends; and, that as far as *we* are concerned, it utterly unavailing, unless those ends are accomplished."⁵¹

⁴⁷ Ibid., 564.

⁴⁸ See Isichei, 45-53, on the 'Beaconite schism' of the 'Evangelical Friends' (as opposed to the moderate Gurneyites).

⁴⁹ Isichei, 3-68, Punshon, 207-226, 243-256.

⁵⁰ See Isichei, 3-16, 45-53.

⁵¹ Gurney, vii.

The growth of a Quaker evangelicalism spurred Friends to increased participation in 'the world.' As John Punshon has stated, "evangelical theology became the vehicle whereby Friends, like members of other denominations, could break out of the circle of hostility and suspicion that had so often characterized interdenominational contacts since the Reformation, and concentrate on more important things like mission work."⁵² Therefore, it also exposed 'the world', or more directly British evangelicalism, to 'the Quaker testimony', which, for some, was an exemplary one. As a result of this unprecedented interaction between Quakers and other Protestants in the late eighteenth century, a remarkable text was written. *A Portraiture of Quakerism* was first published in 1806 by the Cambridge scholar and 'Saint' Thomas Clarkson, and was republished many times throughout the nineteenth century.⁵³ In three volumes it attempted nothing less than "to write the moral history of the Quakers."⁵⁴ Clarkson, an evangelical Anglican of liberal intellectual disposition and author of numerous influential works on slavery, had come to an admiration through his involvement with Friends in antislavery. In his words, "I came to a knowledge of their living manners, which no other person, who was not a Quaker, could have easily obtained."⁵⁵ This 'knowledge' convinced Clarkson "of the merit of writing their moral history" for the following three main reasons;

I believed that I should be able to exhibit to the rest of the world many excellent customs of which they were ignorant, but which it might be useful to know. I believed, too, that I should be affording to the Quakers themselves some lessons of utility, by letting them see, as it were in a glass, the reflection of their own images. I felt also a great desire, amidst these considerations, to do them justice; for ignorance and prejudice had invented many expressions concerning them to the

⁵² Punshon, 196.

⁵³ Thomas Clarkson, *A Portraiture of Quakerism, As Taken from A View of the Moral Education, Discipline, Peculiar Customs, Religious Principles, Political and Civil Œconomy, and Character of the Society Friends*; three volumes (London: Longman, Hurst, Rees and Orme: 1806). This first edition was also published in New York at the same time. According to the catalogue of 'The Quaker Collection' of the Morris Miller Library, University of Tasmania, Clarkson's *Portraiture of Quakerism* was republished in 1807 (same publishers), in 1847 (in just three hundred pages by W. and R. Smeal of Glasgow, and under the title *A portraiture of the Christian profession and practice of the Society of Friends.*), and even as late as 1869 (same publishers, same approximate length, same title as the 1847 edition).

⁵⁴ Clarkson, Vol. I, iii.

⁵⁵ *Ibid.*, i.

detriment of their character, which their conduct never gave me reason to suppose, during all my intercourse with them, to be true.⁵⁶

The last of Clarkson's reasons gesture to the misrepresentation a closed society such as the Quakers had acquired in both popular culture and scholarly literature.⁵⁷ Though writing from an openly partial position, the second of Clarkson's reasons cannot, I would argue, be taken solely on face value. That is, Clarkson's *Portraiture* became admired and quoted by many Quakers,⁵⁸ yet interwoven in this 'moral history' are subtle threads of criticism, perhaps even the stimulus of reform. This is a debatable interpretation drawn from my own reading, and it is not the aim of this thesis to follow such an investigation. It does, however, demonstrate the drift of a broad, liberal evangelical ecumenism in the nineteenth century, as Brent has identified in the case of the Whigs. In religious society, liminal figures such as Thomas Clarkson and Thomas Fowell Buxton of the Church of England (the latter whose mother was a Quaker and whose wife was the sister of J.J. Gurney), and J.J. Gurney and James Prichard of the Society of Friends (the latter eventually converting to Anglicanism), were taking a deep interest in ideas and developments beyond formal denominational boundaries.

However, it is the first of these justifications for Clarkson's *Portraiture* that is of direct significance for this thesis. Written at the turn of the century by an Anglican evangelical with considerable knowledge of Quaker history and customs, *A Portraiture of Quakerism* presents a unique view of a religious society on the cusp of great change. It draws both continuities and dissimilarities with other forms of British Protestantism, and above all, seeks to constantly underline the moral history of Quakerism as a guide to political reasoning and conduct in the present. It thus prefigures the Quaker contribution to Victorian humanitarianism. These principles and themes, despite two hundred years of

⁵⁶ Ibid., ii.

⁵⁷ Clarkson explicitly mentions histories written by Mosheim, Formey and Hume (v), and elsewhere wrote a *Life of Penn.*

⁵⁸ The work is a basic reference point for all historians of modern Quakerism. Rufus Jones, who in the early twentieth century edited and co-wrote an ambitious seven volume history of Quakerism (the

scholarship, are still misunderstood by many, as I argued in the first chapter, and passed over in favour of a nebulous, all-consuming 'evangelical philanthropy'. Finally, and this will be of central importance in the following chapter, Clarkson's *Portraiture* illustrates a particular type of text that characterized much humanitarian literature. The exemplary or 'moral history', a familiar eighteenth century genre somewhere between narrative history and moral treatise, was almost the perfect vehicle, aside from the pamphlet, for the humanitarian's desire to subject all politics to a radical, moral criterion.⁵⁹

When Clarkson was writing his portraiture, at a time when the strictures were beginning to fray, Quakers nevertheless "as every-body knows, differ more than even many foreigners do from their own countrymen."⁶⁰ And though he does not share the full zeal of this ethos, Clarkson is sympathetic to its underlying spirituality and is concerned to show that these customs are more than just ossified peculiarities, the relics of a distant culture, or, worse, evidence of the alien within. When the early nineteenth century reader is walked into the closed house of the Quakers, Clarkson's 'historical' guide portrays it as a lively lecture hall rather than a hollow museum.

As he makes clear at the very beginning of his study, the Quakers' rather rigorous customs and isolation from 'the world' is made primarily so they "never make a sacrifice of conscience..."⁶¹ Both inwardly and outwardly, in faith and society, Quakerism is dedicated to a life of virtue and purity. Herein lies the rationale for Clarkson's Portaiture; "If the reader be a lover of virtue, and anxious for the moral improvement, he will be desirous of knowing what means the Quakers have used, to have preserved, for a hundred and fifty years, this desirable reputation."⁶² Published in 1806 and written in the volatile preceding years, this was a time in British politics when there was a rising anxiety and urgent concern for the 'moral improvement of mankind'. As Boyd Hilton demonstrated,

Rowntree Seies), described Clarkson's study as "one of the most important expositions of Quakerism that has ever been written by an outsider..". Jones, op. cit., 324.

⁵⁹ On exemplary histories see Anthony Pagden's 'Foreword' to 1999 edition of Tzvetan Todorov, *The Conquest of America: The Question of the Other* (Norman, Oklahoma: University of Oklahoma Press, 1999, orig. pub. 1982), ix, and Todorov's own comments, 3-4, 253-4.

⁶⁰ Clarkson, Vol. I, ii.

⁶¹ Clarkson, 'Prefatory Arrangements and Remarks', Vol. I, esp. 4.

⁶² Ibid., 5-6.

evangelicalism was beginning to crystallize as a major force in mainstream politics, while Brent's study argued that Whiggery was on the threshold of an internal reform that would recast it in a more moralistic vein. Placed alongside Clarkson's other works, probably the most influential studies of antislavery written at the time,⁶³ *A Portraiture* is by no means a side project. It is directly bound up with the politics of humanitarian reform.

In the first two volumes of *A Portraiture of Quakerism*, Clarkson introduced and explained the customs, discipline, and religious principles of the Society of Friends. The third volume, devoted to their 'Great Tenets' and "Character", is where Clarkson's 'moral history' begins to bite. By this stage he has argued that a combination of the Quaker system of discipline (the outward), and a spirituality of purity and enlightenment (the inward), means that "whenever the Quakers are compared with those of the world at large, they will obtain the reputation of a Moral People."⁶⁴ This undergirds what Clarkson identifies as the Quakers' most impressive trait – political reasoning on the basis of principle not consequence.⁶⁵

If an impartial philosopher from some unknown land, and to whom our manners and opinions and history were unknown, were introduced suddenly into our metropolis, and were to converse with the Quakers there on a given political subject, and to be directly afterwards conveyed to the west of the town, and there to converse with politicians, or men of fashion, or men of the world, upon the same, he could not fail to be greatly surprised...Two such opposite conclusions as he would hear deduced from the reasonings of each, would impress him with an idea that he had been taken to a country inhabited by two different races of men...the opposite conclusions, which will almost always be drawn, where men reason from motives of policy or from moral right.⁶⁶

⁶³ His famous antislavery works include *An Essay on the Slavery and Commerce of the Human Species* (1786), *An Essay on the Impolicy of the African Slave Trade* (1788), *An Essay on the Comparative Efficiency of Regulation or Abolition* (1789), *Letters on the Slave Trade* (1790), *History of the Abolition of the Slave Trade* (1808).

⁶⁴ Clarkson, Vol. III, 160.

⁶⁵ Ibid., 199-200.

Clarkson identifies a radical Christian commitment to liberty, conscience, pacifism, and universal benevolence to humankind and even 'brute creation', as quintessentially Quaker. The conscientious objection to war and political interference in religion, principles most clearly associated with Quaker dissent, is given particularly extensive treatment, and is the practice of passive (non-violent) resistance to morally objectionable laws.⁶⁷

Liberty, peace, conscience, and a puritanical 'benevolence' interpenetrate each other in this distinctive moral history. And such is the Quaker historical record, and Clarkson's enthusiastic construction of it, that most of the major inhumanities of Christian history – the Crusades, the fighting of wars for conquest and to preserve the balance of world power, the imposition of capital punishment for petty crimes, slavery, and, notably for this thesis, the colonial dispossession of natives' land – could have been avoided "had the Quakers been the legislators of the world...".⁶⁸ At this stage of the argument, that the Quakers are a virtuous people hardly seems the point anymore. The question is whether the moral virtue of a small religious society can ever be consistently practiced as political virtue for a national, political society. Clarkson's exemplary portrait seems at risk of faltering just at the point it is supposed to gain purchase.

At this point in the portrait Quakers are upheld as political legislators for the world, but earlier Clarkson had depicted the persistence of a quietistic, anti-politics.

Politics, which generally engross a good deal of attention, and which afford an inexhaustible fund of conversation to a great part of the inhabitants of the island, are seldom introduced, and, if introduced, very tenderly handled in general among this Society. I have seen aged Quakers gently reprove others of tenderer years...for having started them.⁶⁹

⁶⁶ Ibid., 200-201.

⁶⁷ Ibid., Vol. III, 3-115, 150-225.

⁶⁸ Ibid., 200-1.

⁶⁹ Ibid., Vol. I, 365-6.

As the last line suggests, political quietism was becoming increasingly challenged by the nineteenth century generation. Nevertheless, prohibitions persisted well into the early Victorian period. William Howitt, for example, was rebuked in the 1830s for using the word 'Radical in conversation.'⁷⁰ This at a time when Joseph Sturge, one of the most well-known Quakers of the nineteenth century, was engineering the rise of the 'moral Radical' party.

The existence of opposing attitudes to the word 'Radical', though not unusual for a nineteenth century religious grouping, illustrates the deep ambivalence that undercut Quaker politics. On the one hand, Quakers make a tight distinction between the private and the political with a prohibitory culture to prevent contamination with the world. On the other hand they seem to make no distinction between the moral and the political; there is no sense in which the legitimacy of government or political obligation rests on anything other than moral principles (as opposed to, say, the will of the people, the obligations of the constitution, or the absolute authority of the sovereign). The growth of evangelicalism transformed this attitude to 'the world', encouraging Quakers to increased participation in politics. The tensions of the political are therefore, as Hilton and Brent argued with different subject materials, largely conditioned by the tensions of the religious. In this regard, Isichei noted that one of the main problems of Quaker evangelicals was "the difficulty of reconciling their beliefs with the writings of early Friends..."⁷¹ She observed "it is usual for members of a church to idealize its origins", but the quietism of many early Quakers meant that nineteenth century Quaker evangelical were unable to do this, leaving them "with a difficulty, which they never satisfactorily solved."⁷² In the political sphere, this tension was never satisfactorily resolved, but it would be untrue to infer from Isichei's comments that politicized, evangelical Quakers drew a blank when they looked to their history for direction and justification in the present. George Fox, the founder of Quakerism, was admittedly too elusive, and Robert Barclay, the only real systematic theologian of the early period, was resolutely quietist. But William Penn, a contemporary of George Fox and the founder of the Quaker colony

⁷⁰ Isichei, 189.

⁷¹ Ibid., 14.

⁷² Ibid.

and government of Pennsylvania, was altogether different. He was an exceptional and much admired figure such that Clarkson's *Portraiture* notes in the many Quaker households, a picture of William Penn's treaty with the Indians, and possibly a painting of a slave ship, were the only pictures and portraits that were allowed.⁷³

Certainly, Thomas Clarkson was, despite not being an official member of the Society, a writer who engaged in the 'idealization' of Quaker origins and history. In his *Portraiture*, Penn is used as a point of reference to validate the political efficacy of Quaker principle. For example, Clarkson concedes "the Quakers have never had any great power of exercising dominion over others in matters of religion...", but in North America where they have had some experience of government, "William Penn secured to every colonist the full rights of men as to religious opinion and worship."⁷⁴ Penn's full symbolic potential is not realized in *A Portraiture*, which is primarily concerned with abstract principle and the state of the Society at the beginning of the nineteenth century. However, seven years after *A Portraiture* first appeared, Clarkson published a *Life of Penn*, his only other explicit work on Quakerism.⁷⁵ A seventeenth century convert to the Society, Penn's formal education, political contacts (with aristocrats, intellectuals like Algernon Sydney, and James II), prolific writings, and his foundation and governorship of Pennsylvania, made Penn an ideal bridge to the world.⁷⁶ In *A Portraiture* the moral history of Quakerism is revealed to be exemplary and ambivalent. Though Clarkson forwards an historically important apologetic for Quaker beliefs and principles, and touches on ways of negotiating this underlying tension in his portrait of Quakers as exemplars to the world, the elaboration of a Quaker inspired political morality was more properly a task for a more philosophical mind, and, above all, for a Quaker.

⁷³ Clarkson, Vol. I, 292-4.

⁷⁴ Ibid., Vol. III 173, see also 373.

⁷⁵ Thomas Clarkson, *Memoirs of the public and private life of William Penn* (London: C. Gilper, 1813). Often abridged as *Life of Penn*, the work, to my knowledge, was reprinted at least once in 1849, and I suspect, published in America as well.

⁷⁶ Mary Maples Dunn, *William Penn: Politics and Conscience* (Princeton: Princeton University Press, 1967), provides a good account of Penn's public life and political philosophy. Gary B. Nash, *Quakers and Politics: Pennsylvania, 1681-1726* (Princeton: Princeton University Press, 1968), is a good antidote to the idealized representations of Pennsylvania by nineteenth century Quakers. Richard S. Dunn and Mary S. Dunn, *The World of William Penn* (Pittsburgh: University of Pennsylvania Press, 1986), gives a comprehensive treatment of Penn's environment and introduces and contextualizes his many writings.

Perfection in the world: a Christian political morality

Jonathan Dymond (1796-1828) had a remarkable talent. Historians who have come across his writings are agreed on this. Margaret Hirst identified him as “the most intellectual Quaker writer of the early nineteenth century...”,⁷⁷ while John Cookson, in the course of his study of anti-war liberalism in early nineteenth century, noted Dymond’s essay against war was “the most acclaimed piece of philosophical writing done in nineteenth-century Britain on the British attitude to war...”.⁷⁸ Despite this, Rufus Jones’s 1921 observation still stands: “Jonathan Dymond is almost without biography.”⁷⁹

Dymond’s first work – *An Inquiry into the Accordancy of War with the Principles of Christianity* (1823), published when Dymond was just twenty seven – went through five editions, and was most recently reprinted in 1973 (as part of the ‘Garland Library of War and Peace’).⁸⁰ However, *Essays on the Principles of Morality and on the Private and Political Rights and Obligations of Mankind* (1829)⁸¹ – published posthumously after his tragically young death – is his finest and most ambitious work. It was well received by many contemporaries. Herbert Spencer’s father read it with an admiration that made his son vow to write a better ethics.⁸² The *Essays* were also used as a textbook for Moral Philosophy courses in London and North America.⁸³ In a long and important article in *The Quarterly Review*, the Tory intellectual Robert Southey placed Dymond alongside other notable nineteenth century Quaker writers such as J.J. Gurney and William Howitt

⁷⁷ Margaret Hirst, *The Quakers in Peace and War: An account of Their Peace Principles and Practice* (New York: Garland, 1972 [orig. pub. 1923]), 248.

⁷⁸ J.E. Cookson, *The Friends of Peace: Anti-War Liberalism in England 1793-1815* (Cambridge: Cambridge University Press, 1982), 40.

⁷⁹ Jones, op. cit., Vol.II, 716.

⁸⁰ Jonathan Dymond, *An Inquiry into the Accordancy of War with the Practices of Christianity*, with a new introduction for the Garland Edition by Naomi Churgin Miller (New York: Garland, 1973 reprint).

⁸¹ Jonathan Dymond, *Essays on the Principles of Morality and on the Private and Political Rights and Obligations of Mankind*, two volumes (London: Hamilton, Adams and Co., 1829).

⁸² Herbert Spencer, *An Autobiography* (London: Williams and Norgate, 1904), 305-6.

⁸³ Charles William Dymond, *Memoir, Letters and Poems of Jonathan Dymond with Bibliographical Supplements* (Printed for the Author, 1911), 40. For shorter assessments see the entries in S. Austin

(both of which would later be important members of the APS). Of its new literary talent, Southey observed “that society, which, in its first age, affected more learning than it possessed, and afterwards appeared to hate it ‘not worse than toad or asp,’ has in this generation produced authors of whom any society can be justly proud.”⁸⁴ Dymond’s *Essays* were further evidence of an intellectual maturity in British Quakerism;

The...work is one in which the same society may well consider it an honour to have produced; it is, indeed, a book of such ability, and so excellently intended, as well as well executed, that even those who differ most widely, as we do, from some of its conclusions, must regard the writer with the greatest respect, and look upon his early death as a public loss.⁸⁵

Though it is timely, I can attempt neither a biography of Dymond nor a critical study of his *Essays*. But a brief sketch of both is important in providing an outline of a Quaker intellectual in the early nineteenth century, searching for a more satisfactory, Christian, moral basis for politics.

Jonathan Dymond was born in Exeter in 1796 of an old Quaker family. In 1805 Dymond was sent to a Quaker Dissenter’s Academy to receive his education. On the roll was Joseph Sturge, who would later emerge as one of the most provocative Quaker reformers.⁸⁶ In figuring the landscape of early nineteenth century Quakers, the comparison between Sturge and Dymond provides definition and contrast. Dymond and Sturge grew up in committed Quaker households (both of Dymond’s parents were ministers in the Society), yet both families and individuals displayed a growing openness to the world. For example, Sturge and Dymond both participated in essay societies, read widely, practised a more evangelical faith than mid-eighteenth century Friends, and

Allibone’s *A Critical Dictionary of English Literature* (Philadelphia: Childs and Peterson, 1859), 537-8, and *Dictionary of National Biography*, 296.

⁸⁴ Robert Southey, “Review Article III. – *Essays on the Principles of Morality...*”, *The Quarterly Review*, Vol. XLIV, 1931, 83.

⁸⁵ Ibid.

⁸⁶ Charles Dymond, *Memoir...*, 6.

discussed politics with greater permission and enthusiasm than ever before.⁸⁷ As a result of his father's commitment, the Bible Society was Dymond's first introduction to the wider public sphere, but in the 1820s Jonathan became increasingly committed to the Peace Society. This cause was central to Sturge's political creed and praxis. But whereas Sturge pursued a public career, Dymond's emotional and physical disposition determined that his brief participation the politics of reform would be as an essayist.⁸⁸

Dymond gained notoriety, and was made a non-resident member of the committee of the (London-based) Peace Society, following the publication of his philosophical essay, *An Inquiry into the Accordancy of War with the Principles of Christianity*. The strongly anti-utilitarian argument of this work and its warm reception amongst evangelicals and Quakers encouraged Dymond to lift his sights.⁸⁹ The unlawfulness of war was only one instance of a broader political vision Dymond was determined to outline, though his health was steadily declining. Indeed, as I will argue, despite the author's characteristically Quaker avoidance of metaphysical speculation, *Essays on the Principles of Morality* was as much a religious as a moral or political vision. In his foreword to the 1834 American edition, a professor of moral philosophy makes clear the utopian or eschatological flight of what is simultaneously a judicious, sober, and, above all, moralistic tract;

His motive is, to advocate truth without reference to its popularity; and his hope is to promote an approximation to that state of purity, which he believes it is the design of God shall eventually beautify and dignify the condition of mankind.⁹⁰

Despite working to 'hasten the golden age', Charles Dymond is right to suggest that at the same time "there was nothing new, nothing 'epoch-making' in them", as Dymond's

⁸⁷ Ibid., 1-18. On Sturge's upbringing see Tyrrell, 12-26.

⁸⁸ Dymond., *Memoir*, 21-35.

⁸⁹ See Dymond, *Memoir*, 23-35. Hirst, 248.

⁹⁰ Dr. Bush's Preface to the 1834 edition, in Dymond, *Memoir...*, 42-43.

Essays advocated for an existing, fundamental morality.⁹¹ Indeed, there was something pre-nineteenth century about both the grounds and the form of Dymond's arguments (i.e. a 'classical political philosophy' based on appeal to the universal moral law and will of God, and formed in conversation with eighteenth-century figures such as William Paley and Bishop Butler). However, with an unmatched sophistication, the *Essays* did speak for a new age – an age of moral seriousness and public zeal – both for the Society of Friends and for Britain.

Written in two volumes and almost one thousand pages in all, *Essays on the Principles of Morality and on the Private and Political Obligations of Mankind* is, for a Quaker, an unusually wide-ranging, normative work. Though it eschews all pretensions of being systematic, nevertheless the work considers such topics as Religious Obligation and the role of the Established Church, Property and The Morality of Legal Practice, Oaths, Public Morality and its corruption, Intellectual and Moral Education, Forms of Government, the British Constitution, Moral Legislation, Criminal Law reform, Patriotism, Slavery, and a long discussion of the Lawfulness of War. Above all it is concerned with explicating a moral philosophy as a foundation for social and political interaction, believing that past treatises "have not exhibited the Principles and enforced the Obligations of Morality in all their perfection and purity."⁹² These summary and recurring words – principle, obligation, perfection, purity – indicates the nature of Dymond's philosophy. In short, Dymond's ethics are a *deontological* contestation of the prevailing utilitarianism of Christian Moral Philosophy, as centred around the works of William Paley. On the front cover of each volume, Dymond placed the following words of Paley:

As the Will of God is our rule; to inquire what is our duty, or to what we are obliged to do, in any instance, is, in effect, to inquire what is the will of God in that instance? Which consequently becomes the whole business of morality.⁹³

⁹¹ Ibid., 43.

⁹² Dymond, *Essays*, Vol. I, 1.

⁹³ Ibid., front cover.

Indisputably, this *is* the whole of business of morality, yet, Dymond would argue, Christian utilitarianism ends up raising a subordinate standard of moral rectitude. The alternative was a more consistent rule-based ethics based on the will of God communicated directly through Scripture, and indirectly through conscience/the moral law. In this conception, then, the above topics (The Constitution, War, etc.) are instructive but not essential; they “familiarize the application” of that broader “general rule”, or set of rules, it is the task of the moralist to outline in “purity and perfection”.⁹⁴ The analogy with mathematics not only affirms a theoretical moral universalism, it also highlights an ecumenicity grounded in the common text of the Bible. Like J.J. Gurney’s theological *Essays*, Dymond’s philosophical *Essays* appeals to the Christian world (*oikoumene*: ‘the inhabited world’), integrating Quakers within this world and integrating a Quaker perspective into it.

In the first volume, on Moral Philosophy, Dymond sets out the Principles of Morality by discussing its direct and indirect manifestations. Both, however, are seen as indisputably sharing the same intention – discovering and obeying the Will of God. The fundamental assumption of *Essays on the Principles of Morality* is that “most men, or most of those with whom we are concerned with, agree that this Standard [or ‘Right and Wrong’] consists in the Will of God.”⁹⁵ If there are secular writers, or even a secular age, they/it are only present in Dymond’s *Essays*, at the margins, which is to say, as objects of suspicion and fear. This may or may not seem strange to secular moderns, but in his discussion of the various ways in which the Will of God has been philosophically framed, it is clear that this was a commonplace of most conventional philosophy. Dymond thus surveys the Will of God as proposed and ‘discovered’ in standard moral philosophies – in Adam Smith’s resolution of moral obligation into feelings of “Sympathy”, in Bishop Butler’s command “to live according to nature”, in Samuel Clarke’s philosophy of fidelity to the ‘external fitness of things’, in Wollaston’s ‘conformity with truth’, and, above all in Paley’s “far-framed doctrine of Expediency” which holds “it is the utility of

⁹⁴ Dymond, *Essays*, 3.

⁹⁵ *Ibid.*, 7.

any action alone which constitutes the obligation of it.”⁹⁶ Dymond concludes that these are all indirect and quarrelsome ways of sourcing the will of God and the principles of morality, and instead proposes to re-align moral philosophy on “the direct and immediate knowledge of the Divine Will”; in other words, the Christian revelation.⁹⁷ As it shall be made clear, this is both a distinctly evangelical and Quaker strategy.

Before this task, one of these systems is given extra comment and criticism. It is “that principle which appears to be most recommended by its own excellence and beauty, and which obtains the greatest share of approbation in the world, is the principle of directing every action as to produce the greatest happiness and the least misery in our powers.”⁹⁸ Explicitly, Dymond discusses only Christian utilitarianism and here is concerned to show the duplicity of Paley. As previously touched on, Dymond’s *Essays* can be read as a deontic, Christian corrective to the philosophy of Paley, in particular Paley’s *The Principles of Moral and Political Philosophy* which was a standard university text in the early nineteenth century.⁹⁹ While claiming that “when scripture precepts are clear and positive, there is an end to all further deliberation”, Paley elsewhere maintains as axiomatic the rule “whatever is expedient is right”, and “it is the utility of any moral rule *alone* which constitutes the obligation of it.”¹⁰⁰ Dymond does not deny the utility of Utility,¹⁰¹ but re-frames it as a ‘subordinate means of discovering the Divine Will’, and criticizes Paley for his ‘high language’. That is, for elevating it to a position of dangerous ambiguity alongside scriptural authority, thus setting a precedent where the moralist (and politician) can vacillate between the two on questions of moral conflict.¹⁰²

The main weakness with (Christian) utilitarianism is that the doctrine of expediency “is altogether unconnected with the christian revelation or with any revelation from

⁹⁶ Ibid., 8-10.

⁹⁷ Ibid., 10-12.

⁹⁸ Ibid., 20.

⁹⁹ On Paley see Mark Francis, “Naturalism and William Paley”, *History of European Ideas*, Vol.10, No.2, 1989, 203-20.

¹⁰⁰ Ibid., 22-23. Quoting Paley’s *Moral and Political Philosophy*, B. 2 c.6, B.2 c.4: Note.

¹⁰¹ Ibid., see 22-32, 134-141, for constructive criticisms of utilitarian writers.

¹⁰² Ibid., 23.

heaven.”¹⁰³ Indeed, most moralists who appeal to the finality of the Will of God enshrine scriptural precepts “not systematically but occasionally.”¹⁰⁴ Dymond’s alternative is to base moral philosophy on the ‘direct communication’ of God’s Will, the moral law of Scripture. This idea is not new, but the directness and thematic purity of Dymond’s ethics does illustrate an identifiable evangelical contestation of moral philosophy. This radical ethical Christianity can be further seen in Dymond’s discussion of Biblical morality. Within the complexities of scriptural exegesis, Dymond’s argues for the ‘supremacy of the christian morality’.¹⁰⁵ In other words, even if, on further inspection, ‘revelation’, ‘scripture’, and ‘biblical morality’, turn out to be less than decisive for a purified ethics, a kernel of indisputable moral truth can, Dymond believes, be distilled from the unambiguous words of the Gospel.

This insistence and orientation makes Dymond’s Christian moralism even more radical; both in the sense of going to the roots of the Christian tradition and in terms of setting up an uncompromising standard of praxis. Jesus’s reformulation of the Biblical morality – above all his principles of non-violence (peace), limitless mercy (forgiveness), and universal benevolence (love) – is upheld as the hermeneutic key for the Biblical moralist, in opposition to other scriptural traditions of violence and tribalism. In Dymond’s words; “an appeal to Hebrew scriptures is frequently made when the precepts of christianity would be too rigid for our purpose. He who insists upon a pure morality, applies to the New Testament: he who desires a little more indulgence, defends himself by arguments from the Old.”¹⁰⁶ This puritanism is not just evangelical but thoroughly Quaker. It allows a radical peace ethic to be placed at heart of ‘true christianity’, as, no doubt, it is to be found there. And Dymond’s evangelical Quakerism is equally striking in his discussion of morality and “that greater portion of mankind [who] have no access to the written expression of the Will of God.”¹⁰⁷

¹⁰³ Ibid., 26.

¹⁰⁴ Ibid., 52.

¹⁰⁵ Ibid., 43-73.

¹⁰⁶ Ibid., 47-48.

¹⁰⁷ Ibid., 30.

Aside from scripture, *conscience* is identified as the other means through which the Will of God is communicated. Conscience, the moral faculty of human beings, is defined as a basic sense of obligation, 'ought-ness', the human response to an innate imperative to do right.¹⁰⁸ In other words, defined in deontological rather than utilitarian terms (not as a drive to maximize happiness, for example). Dymond admits that most often 'conscience' is little more than cultural conditioning, that there is a diversity of conscience based upon the variations in humankind. But, as with (external) scriptural morality, Dymond argues for an essential truth; "not *all* our opinions respecting morality and religion are derived from education or reasoning...But another portion of men's judgments respecting moral affairs, is derived from immediate intimations of the Divine Will."¹⁰⁹

Dymond marshalls Enlightenment opinion to underline his point. These authorities include Bishop Butler on conscience on 'our natural guide...assigned to us by the Author of our nature',¹¹⁰ Dr. Rush on the moral faculty as being providentially preserved after the fall 'to guide him back again to paradise', Lord Bacon on conscience as the 'light of nature' and 'the purity of man's first estate' shining 'through the medium of a rational faculty', Lord Shaftesbury on a sense of right and wrong as the indestructible 'first principle in our constitution', and Dr. Cudworth on the origins of morality as not primarily in external notions but springing 'from some other more inward and vital principle in intellectual beings'.¹¹¹ Further, Dymond cites Voltaire on natural law on the dictates of nature 'implanted in our hearts' for the maintenance of Justice',¹¹² John Locke on 'the Divine law' whether available through 'the light of nature or the voice of revelation' as 'the measure of sin and duty',¹¹³ Adam Smith on 'the first perceptions of rights and wrong' as not derived from reason but from deeper 'within the breast' where innate 'rules' are inscribed by God,¹¹⁴ Rousseau exclaiming 'Conscience, Conscience,

¹⁰⁸ Ibid., 74-75.

¹⁰⁹ Ibid., 77-78.

¹¹⁰ Citing Butler's *Inquiry on Virtue*.

¹¹¹ Citing Cudworth's *Eternal and Immutable Morality*.

¹¹² Citing Voltaire's *Commentary on Beccaria*.

¹¹³ Citing Locke's *Essay*, b.2 c.28.

¹¹⁴ Citing Smith's *Theory of Moral Sentiments*.

Divine Instinct, Immortal and Heavenly Voice',¹¹⁵ Milton on 'that spiritual illumination which is common to all',¹¹⁶ and classical figures such as Marcus Antonius and Seneca.¹¹⁷

Dymond survey of what are otherwise the contradictions of Moral Philosophy is designed to secure a minimum consensus on the question of conscience. The answer, then, is a seventeenth-eighteenth century one (conscience as innate, essential, natural, universal). But the 'celebrated question' is a persistent nineteenth century dilemma. As a skeptical Paley put it in his *Principles of Moral and Political Philosophy* (1785); "Upon the whole it seems to me either that there exists no such instincts as compose what is called the moral sense, or that they are now not to be distinguished from prejudices and habits."¹¹⁸ While in moral and political philosophy Paley avoided directly pursuing this question, Dymond's answers it by appealing to Paley's non-systematic writings, to his *Sermons*, where an essentialist account of conscience is affirmed.¹¹⁹ This is not so much evidence of Dymond's naivete or an antiquity of thought, but of his concern to instill classical moral philosophy with a more pious, pure, radical Christian fidelity. Dymond's blend of Enlightenment and evangelical thought is not peculiar and out of place, but characteristic of early nineteenth century reform.

Once again, as with the case of scripture, there is an important Quaker imprint to Dymond's understanding of conscience. Dymond revisits Enlightenment thinkers to extract a notion of a pre-cultural, pre-rational, post-lapsarian, *natural* moral disposition. The *rhetoric* of this account of conscience is also pivotal. That is, the metaphor of *light*, of illumination, is not merely an Enlightenment trope, but one with significant Quaker resonance. Amplifying Robert Barclay's comments on conscience as the 'throne of God' (see footnote 83), and drawing on J.J. Gurney's evangelical adaptation of natural theology along moral foundations,¹²⁰ Dymond's ethics restates the pre-eminent Quaker doctrine of the Inner Light with a new philosophical and political fullness. Bacon and

¹¹⁵ Citing Rousseau's *Pensées*.

¹¹⁶ Citing Milton's *Christian Doctrine*.

¹¹⁷ Dymond, *Essays*, 84-99.

¹¹⁸ Citing Paley, Bk.1 Ch.5.

¹¹⁹ Dymond, *Essays*, 94-5.

¹²⁰ *Ibid.*, 99, citing Gurney's *Essays on Christianity*, 516.

Locke's 'light of nature' thus, as both authors would have no doubt agreed, attests to the Johannine proclamation of Christ as 'the true Light which lighteth every man that cometh into the world.'¹²¹ And because "revelation and 'the light of nature' are here represented as being jointly and equally the law of God",¹²² Dymond can appeal to the particularity of scripture and the universality of conscience as both being 'the direct communication of the Will of God', and the true foundation of any system of morality. When matters are ambiguous or even in conflict, the moralist, of course, refers back to New Testament ethics which Dymond uses in a radical manner, in a way Locke and Bacon would not have done, to flesh out the bare bones of conscience. In comparison to this 'pure and perfect' moral foundation, other systems, doctrines and institutions – Dymond here devotes chapters to The Law of the Land, The Law of nature, Utility, The Law of Nations, and The Law of Honour¹²³ – are only partly authoritative and ultimately give way to the precepts of the New Testament and the demands of conscience. For the Aborigines Protection Society, whose rights theory will be the focus of a later chapter, Dymond's comments on the law of the land, nature, and nations are particularly relevant, and introduce his politics.

The authority of civil government is legitimate, Dymond argues, given the scriptural command to "be subject to principalities and powers – Obey magistrates...submit yourself to every ordinance of man for the Lord's sake...".¹²⁴ And, Dymond concedes, no doubt there are rational and utilitarian reasons for this. Initially this seems to be a wide-ranging, almost absolutist justification of political obligation. What is critical to note is that it follows the flight of Dymond's ethics which resolved moral duty into a question of religious duty, and so similarly with political obligation. Therefore, if "the magistrate enjoins that which is prohibited by the moral law, the duty of obedience is withdrawn."¹²⁵ As Dymond makes clear, this is not simply a matter of withdrawing obedience but a command to resistance. Here is no clear distinction between morality and religion: "Nor let any one suppose that there is any thing religious in the motives of

¹²¹ John 1: 9, see Dymond, *Essays* 100-107.

¹²² Dymond, *Essays*, 92.

¹²³ *Ibid.*, 115-153.

¹²⁴ *Ibid.*, 115, quoting Tit. iii, 1, and 1 Pet. ii, 13.

the apostles, which involved a peculiar obligation upon them to refuse obedience: we have already seen that the obligation to conform to religious duty and to moral duty, is *one*.”¹²⁶

In the second volume, and third essay on ‘Political Rights and Obligations’, this thumbnail sketch is fleshed out into a fully-fledged critical morality of power. While eschewing republicans and revolutionaries, such as the ‘French regicides’ and ‘disaffected theorists’ (Tom Paine, a former Quaker), Dymond outlines a *communitarian* politics whereby, one, “political power is rightly possessed only when it is possessed by consent of the community” and, two, “is rightly exercised only when it subserves the welfare of the community”.¹²⁷ The third and final of Dymond’s ‘Principles of Political Power’ is that “political power is rightly exercised only when it subserves the welfare of the community by means which the Moral Law permits.”¹²⁸ Depending on the quality of politics, these principles will either demand dutiful obedience or responsible resistance. This is not to say that Dymond’s politics are erratic. Far from it, most of the second volume is devoted to detailing a Whiggish, reformist approach to political change in Britain, albeit along Dissenter lines. The point here, though, is that there will be occasions when conscience will demand political disobedience – only, as this is demanded by the moral law, any disobedience must be kept within the moral law. Or, “When the christian conceives that the requisitions of government and of a higher law are conflicting, it is needful that he exercise a strict scrutiny into the principles of his conduct.”¹²⁹

Dymond’s communitarian politics nevertheless accord a high place to liberty and rights. Against Grotius, in a more Lockian vein, he argues that the complete sovereign rights of a community cannot be *absolutely* transferred to a sovereign, just as an individual cannot exchange all their rights (and responsibilities) for the protection of an all-powerful

¹²⁵ Ibid., 117-118.

¹²⁶ Ibid., 118.

¹²⁷ Ibid., Vol II, 1-19.

¹²⁸ Ibid., 19-28.

¹²⁹ Ibid., Vol. I, 118-9.

state.¹³⁰ Despite the emphasis placed on the law of nature and on the inalienable rights of communities and individuals, they do not form the cornerstone of Dymond's politics. He thus recognizes that 'rights' are in his system given a similar weight as in William Godwin's politics, though subordinated to different standards of truth and good.

The author of *Political Justice* maintains that *man possesses no rights*; that is, no absolute rights – none, of which the just exercise is not conditional upon the permission of a higher rule. That rule, with him, is 'Justice' – with us it is the law of God; but the reasoning is the same in kind.¹³¹

Despite being always spoken of in 'conditional language', rights are given substantial weighting. Dymond concurs that in the case of "many political institutions the Rights of Nature have been grievously sacrificed; and that if those rights had been sufficiently regarded, many of these vicious institutions would never have been exhibited in the world."¹³²

The reach and limitations of natural rights theory is most evident in Dymond's discussion of the law of nations, perhaps the most important area of political thought for APS thinkers. The subject of 'The Rights of War and Peace' appears at a primary stage in Dymond's politics, when he analyzes the correct use of power and the public good. Given the pacifism of his religious testimony, international relations intersect at the cutting edge of Quaker radicalism. Dymond's lengthy arguments against war, on ethical-rational and Scriptural grounds need not be explored here, but their presence does bring a critical edge to matters of imperial and international concern. On the offensive, the 'international system' is described as "a system of irritability, and haughtiness, and temporary expedients; a system of most unphilosophical principles, and from which christianity is practically excluded."¹³³ Despite his constructive approach to constitutional reform, Dymond identifies patriotism as a common reason for inculcating

¹³⁰ Ibid., Vol. II, 3-6.

¹³¹ Ibid., Vol. I., 129. Emphasis original.

¹³² Ibid., 131.

¹³³ Ibid., Vol. II, 18.

“treason to our religion”, and sees national self-interest as underpinning the (false) morality of international law.¹³⁴ This is a dissent tradition strongly conditioned by anti-slavery. But in Dymond’s *Essays*, published in the late 1820s and on the eve of the Emancipation Act, other matters of empire are also being brought into political consciousness.

Of particular relevance to this thesis, Dymond attacks the moral history of the doctrine of *terra nullius* as applied to indigenous peoples;

...our law of nations...by a monstrous abuse of power, has acted upon the same doctrine with respect to *inhabited* countries; for when these have been discovered, the law of nations has talked, with perfect coolness, of setting up a standard, and thenceforth assigning the territory to the nation whose subject sets it up; as if the previous inhabitants possessed no other claim or right than the bears and wolves. It has been asked, (and asked with great reason), what should we say to a canoe full of Indians who should discover England, and take possession of it in the name of their native chief? Civilized states appear to have acted upon the maxim that no people possess political rights but those who are parties to the law of nations; and accordingly the history of European settlements has been, so far as the aborigines were concerned, too much a history of outrage, and treachery, and blood.¹³⁵

As I will show in the following chapter, this comment anticipates developments in humanitarianism in the 1830s. By this I am not just referring to the plight of other racial groupings that became a focus of concern, I am more interested in the *shape* of this imagination. Dymond’s approach prefigures the humanitarian critique of empire. In literature, it is an historical argument based on ethical grounds, or, recalling Clarkson and quoting Dymond, a ‘moral history’ of ‘outrage, treachery and blood.’ Dymond’s *Essays* provide an important insight into the nature of this morality that informs humanitarian

¹³⁴ Ibid., 21, 358-367.

¹³⁵ Ibid., Vol. I, 146. Emphasis original.

politics *and history*.

As can be expected, the law of nations is to be approached by Christian morality as a 'subordinate means of discovering the Divine Will'. Like the law of the land, nature, and utility, it is useful but does not in itself possess the supremacy of the Moral Law. This leaves the Quaker moralist and/or philanthropist with an auto-critique of international law, given that "a great part of the code arises out of the conduct of war."¹³⁶ Here international law sanctions that most unchristian, reprehensible expression of human depravity, and indeed Dymond takes lengthy philosophical issue with Paley's notion of Just War, and the moral impurities of Grotius.¹³⁷ But, second, this form of moral radicalism also provides a programme of reform. As antislavery illustrated, the transatlantic nature of Quaker and other radical dissenter communities imbued humanitarianism with a peculiarly religious internationalism. The nineteenth century evangelical missionary movement, with its urgent call to save the world, added to this, but humanitarianism was informed by an older historical tradition of cultural contact. Indeed, for Quakers, this history also provided their otherwise abstract idealism with a concrete example and political ideal. As with Clarkson, Dymond turns to William Penn to provide hope for the reform of the international political system.

In terms of European-Aboriginal relations, Penn displayed the example of a politics "upon sounder principles...";

He perfectly well knew that neither an established practice, nor the Law of Nations, could impart a right to a country which was justly possessed by former inhabitants; and therefore, although Charles II 'granted' him Pennsylvania, he did not imagine that the gift of a man in London, could justify him in taking possession of a distant country without the occupier's consent. What was 'granted' therefore by his sovereign he purchased of the owners; and the sellers were satisfied with their bargain and with him. The

¹³⁶ Ibid., 144.

¹³⁷ See Dymond, *An Inquiry into the Accordancy of War with the Principles of Christianity, and Essays*, Vol II, 376-471.

experience of Pennsylvania has shown that integrity is politic as well as right.¹³⁸

In his argument for the unlawfulness of war, Penn, Pennsylvania, and the Quaker testimony, are principal examples in the case that God will *providentially* protect those who undertake to observe by his commands.¹³⁹ Remembering Hilton's emphasis on the importance of providence and eschatology to early nineteenth century politics, Dymond's argument displays a distinctly post-millennialist optimism (i.e. mankind will achieve a thousand years of peace and justice prior to final judgment). This utopian belief spurred Quakers and others into the reform of international relations, working on the moral belief that in 'The Rights of War and Peace' Grotius got it only half right, and when in error was extreme.

Dymond's vision of a reformed international system is similar to the tolerant, reformist, 'conciliatory' polity he envisaged for Britain.¹⁴⁰ "Incoherent and inconsistent as the Law of Nations is, when it is examined by the moral law," nevertheless let those who refer to it "introduce morality by all possible means; and if they think they cannot appeal to it always, let them appeal to it where they can."¹⁴¹ Whether the thinkers and lawyers of the APS had read these words or not, they certainly articulate the intellectual underlay of early Victorian humanitarianism. Its ideal, nationally and internationally, was the peaceable kingdom – Isaiah's prophecy, the Quaker's testimony, Penn's anticipation, the coming commonwealth of truth and justice. And the heart of a demanding, Christian political morality; "Whatever the principles of christianity will require hereafter, they require now. Christianity, *with its present principles and obligations*, is to produce universal peace."¹⁴² Though fatally flawed, the law of nations, indeed politics and 'the world', is certainly redeemable; "When such principles are acted upon we may reasonably expect a rapid advancement in the whole condition of the world."¹⁴³

¹³⁸ Dymond, *Essays*, Vol. I, 146-147.

¹³⁹ Ibid., *Essays* Vol. II, 456-471, and see *An Inquiry*, *passim*.

¹⁴⁰ Ibid., Vol. II, 12.

¹⁴¹ Ibid., Vol. I, 143-4.

¹⁴² Ibid., Vol. II, 438. Emphasis original.

¹⁴³ Ibid., 18.

The early nineteenth century legacy for Victorian reform

Jonathan Dymond's *Essays on the Principles of Morality and on the Private and Political Obligations of Mankind* went through over a dozen more editions in the nineteenth century, including one in Spanish and many prefaced by the famous Quaker politician John Bright.¹⁴⁴ They received their best reviews from American periodicals, such as *The Christian Examiner* and *American monthly magazine*, and were much admired in America.¹⁴⁵ In terms of England, they provided the best philosophical defense for political and philanthropic causes like the peace movement in which independent Quakers like John Bright and Joseph Sturge made their name.¹⁴⁶ Alex Tyrrell has, following Sturge and other activist dissenters, termed this 'moral radicalism', and even though Dymond never used this term, it is a useful way of understanding Dymond's 'perfectionist' politics of reform.¹⁴⁷ This tradition is not easily classified. Even in 1831, the Tory Robert Southey could both heartily praise Dymond's *Essays* for their high moral tone and piety, and be repelled by a concomitant political extremism.¹⁴⁸ Alongside Gurney's *Essays on Christianity* and even going back to Clarkson's *Portraiture*, it reveals a Quaker world opening to, influenced by, even addressing and instructing the broader intellectual and political culture, 'Christianity', and 'mankind'. That this public culture was, as Hilton argued, strongly evangelical, and as Brent noted with Whiggery, increasingly moralistic, is critical. These early nineteenth century texts reflect and further spin the twinning threads of Quaker dissent and evangelicalism, the characteristic weave of early Victorian humanitarianism. In the 1830s, when 'the politics of atonement' became pursued in the progressive liberal coalition, this aspiring humanitarianism would introduce a new cause to the programme of reform.

¹⁴⁴ Charles Dymond, *Memoirs, Letters and Poems of Jonathan Dymond*, 154-160.

¹⁴⁵ "Dymond's Principles of Morality", *The Christian Examiner* (Boston), Issue 18 March 1835, 101-119.

"Dymond's Essays", *American monthly magazine* (New York) Vol. 3 1835, 97-102.

¹⁴⁶ See Hirst, 276-7. Hirst quotes a speech made by Bright in 1879, which recommends Dymond's *Essays* as "the best argument against war".

¹⁴⁷ On 'moral radical' see Tyrrell, 197-8.

¹⁴⁸ See Southey, op. cit., esp. 83, 117-120.

3. The atonement of history

My life has been a life of trouble and turmoil; of change and vicissitude; of anger and exultation; of sorrow and of vengeance. My sorrows have all been for a slighted gospel, and my vengeance has been wreaked on its adversaries. Therefore, in the might of heaven I will sit down and write...

- James Hogg, *The Private Memoirs and Confessions of a Justified Sinner* (1824)

Whereas the previous chapter outlined a background history tracing important and ignored intellectual features of the nineteenth century humanitarianism, the present chapter focuses on the emergence of the aborigines protection movement in the 1830s. Above all I argue for the importance of a 'humanitarian sense of history' and understand this in terms of the trope of atonement. The significance of this concept in mid-nineteenth century humanitarianism invites fruitful comparison with what Duncan Forbes has identified as the 'Liberal Anglican idea of history'.¹ In this chapter, and again, more emphatically, in chapter four, Forbes's Liberal Anglican idea of history will be invoked to highlight the distinction between the humanitarian sense of history, and the 'stadial' or 'modal' concept of history that other intellectual historians have argued is central to the construction of indigenous rights in the mid-nineteenth century.²

The present chapter begins by locating the APS along the faultlines of reform, between conservative and radical tendencies of the 1830s liberal coalition, and draws attention to tensions of time and history that enabled humanitarians to proclaim both the degeneration and regeneration of empire. It then looks at the mid-1830s parliamentary

¹ Duncan Forbes, *The Liberal Anglican Idea of History* (Cambridge: Cambridge University Press, 1952).

² The importance of stadial history in this context was originally highlighted by J.G.A. Pocock, "Tangata whenua and enlightenment anthropology", *New Zealand Journal of History*, Vol. 26 No. 1, 1992, and "Nature and history, self and other: European perceptions of world history in the age of encounter" in Alex Calder, Jonathan Lamb and Bridget Orr (eds) *Voyages and beaches: Pacific encounters, 1769-1840* (Honolulu: University of Hawaii Press, 1999). It has since been significantly furthered in terms of New Zealand by Mark Hickford, "Making territorial rights of the natives: Britain and New Zealand, 1830-1847" (Unpublished Ph.D thesis, University of Oxford, 1999), see esp. 25-30, and Patrick Moloney, "Savagery and Civilization: Early Victorian Notions", *New Zealand Journal of History*, Vol. 35, No. 2, 2001. For a general and early account of the importance of this view of history in the eighteenth and nineteenth century see R.L. Meek, *Social science and the ignoble savage* (Cambridge: Cambridge University Press, 1976).

select committee inquiry into aborigines, the formation of the Aborigines Protection Society, and the relationship between these two. To explain the distinctive features of the APS (most obviously, its support for treaties), the evidence of Thomas Hodgkin (the 'father and founder of the APS') is examined. Hodgkin's evidence is insightful in understanding subsequent 'confessional histories' including such features as the logic of atonement, the importance of representation and the cultural imagination, and the idealization and elaboration of William Penn. The chapter then discusses two humanitarian histories of British-indigenous relations; William Howitt's *Colonization and Christianity* (1838), and Saxe Bannister's *British Colonization and Coloured Tribes*.³ In the former I look at how the politics of atonement disrupts imaginaries of 'savage' and 'civilized', while in the latter I emphasize how the creative tension between the ideal and the actual of humanitarian history was used to refine the humanitarian ideal into a civilizing vision. In conclusion I argue that humanitarian histories embody and elicit a rite of national *confession*. That is, the disclosure of sin or moral evil (with regards to the historical treatment of indigenous peoples), and therefore, in the evangelical schema, that which provides impetus for a conversion and regeneration of empire and towards an ideal of cultural co-existence that these histories furnished.

Humanitarianism in the 1830s: along the faultlines of reform

Although the slave *trade* was made illegal in 1807, British abolitionists had to wait until 1833 for the formal abolition of slavery in British colonial territories. This parliamentary victory, the passing in 1833 of the Emancipation Act, was delivered by the new liberal coalition of the early 1830s. Following the 1832 election, of the 134 candidates who pledged support for abolition, only 8 were not liberal.⁴ This interest in anti-slavery, attracting the support of evangelical Anglicans and nonconformists, was,

³ William Howitt, *Colonization and Christianity: A Popular History of the treatment of the natives by the Europeans in all their Colonies* (London: Longman, Orme, Brown, Green, and Longmans, 1838). Saxe Bannister, *British Colonization and Coloured Tribes* (London: William Ball, 1838).

⁴ Roger Antsey, "Religion and British Slave Emancipation", in D. Eltis and J. Walvin (eds.) *The Abolition of the Atlantic Slave Trade* (Madison, Wisconsin: University of Wisconsin Press, 1981), 50. Richard Brent,

Richard Brent claims, a central strategy of the liberal Anglican Whigs. Significantly, Brent argues that whereas Foxite Whigs had appealed to the rational Unitarian Dissent, a key difference with the new liberal Anglican Whigs was their alliance with evangelical Nonconformists – trinitarians such as Congregationalists, Independents and Baptists.⁵ The ‘linchpin’ in this alliance was Thomas Fowell Buxton, Wilberforce’s successor as leader of the anti-slavery movement and, later, first president of the Aborigines Protection Society. As a moderate evangelical Anglican with excellent nonconformist ties (Buxton’s mother was a Quaker, he attributed his philanthropic concerns to Quaker influences,⁶ and his wife was the sister of Joseph John Gurney), Buxton “brought the anti-slavery movement within the field of liberal Anglican politics...[and] also acted as a linchpin between liberal Anglicans and Evangelical Dissent.”⁷

Critically, Joseph John Gurney, as we have seen the leading voice of evangelical Quakers and important in the formation of the APS, acted as Buxton’s informal adviser. Though Buxton claimed to ‘vote as I like’, Gurney wrote to him in 1818 (on his entry into parliament) urging him to “not let thy independence of all party be the means of leading thee away from *sound Whiggism*.”⁸ Gurney’s letter anticipates the reforming spirit of the 1830s and demonstrates both the convergence of evangelicalism and political liberalism, and the progressive politics of humanitarianism;

I may shortly express my opinion that there *is a great work going on in the world*; that the human mind, under the safeguard of *religious education*, is advancing... that *the liberty of truth*, will prevail over every obstruction. I consider this progress of the human mind perfectly safe, as long as it springs

Liberal Anglican Politics: Whiggery, Religion, and Reform 1830-1841 (Oxford: Clarendon Press, 1987), 263.

⁵ Brent, 257.

⁶ Buxton’s father died when he was young and his mother was a decisive influence, particularly imbuing him with a life-long abhorrence of slavery, while his early political concerns of prison reform and poor relief were causes introduced to him by the well-known Quaker philanthropist and natural philosopher William Allen. Thomas Fowell Buxton, *Memoirs of Sir Thomas Fowell Buxton*, edited by his son Charles Buxton (London: John Murray, second edition 1849), 4-5, 33-34, 64.

⁷ Brent, 269-70.

⁸ Joseph John Gurney, ‘Letter on Whig Principles’, ‘7 mo. 8th’, 1818’, in Buxton, *Memoirs*, 83. Emphasis original.

from the unchangeable and most reasonable principles of the Christian religion...But let us not admit any check to the progress of true light, whether moral, political or religious; and let us take especial care to avoid *the spirit of Toryism*; I mean the spirit which bears the worst things with endless apathy...⁹

Despite such advisers, and his status as “the parliamentary advocate – the acknowledged leader – the conventional referee on all colonial questions on the liberal side”¹⁰, by the beginning of the 1840s Buxton and his self-styled ‘African Civilization Society’, were politically conservative. This drift reflected the splintering of the anti-slavery movement and the liberal coalition in the 1830s, as evangelical Anglicans became more attracted to the Tories and nonconformity became impatient and radicalized.¹¹

This split between the ‘Buxtonian’ parliamentary politics of compromise, and radical abolitionists who demanded an immediate end to the evils of apprenticeship (rejecting plans to colonize and civilize Africa with American slaves), is characterized in the contrast between Thomas Fowell Buxton and Joseph Sturge.¹² Conventionally, in narratives such as Keith Sinclair’s, the tendency has been to identify the APS with the Buxtonian wing of humanitarianism. Buxton, after all, secured the parliamentary inquiry into Aborigines, was the APS’s first president, was closely associated with many key Quaker philanthropists especially the Gurney family, and ideas of civilization and colonization were central to the APS. Moreover, based in London, the leading members of the APS were cosmopolitan figures, whereas Quaker radicals such as Joseph Sturge and John Bright represented the rise of an anti-establishment, popular, *provincial* dissent.

An over-identification with Buxton would, however, be misleading. The leaders of the APS – Thomas Hodgkin, F.W. Chesson, and H.R. Fox-Bourne – were all political liberals

⁹ Ibid., emphasis original.

¹⁰ Rhodes House Library, University of Oxford, Mss Brit Emp s444, (Buxton papers), xiv fo.274: George Stephen to Buxton, 25 December 1835, quoted in Mark Hickford, *Making ‘territorial rights of the natives’: Britain and New Zealand, 1830-1847* (Unpublished Ph.D thesis, University of Oxford 1999) 69.

¹¹ See Brent, 260-262, 272-277.

with radical sympathies, and firmly non-establishment figures. As an organization, whereas Buxton's (short-lived) African Civilization Society was dominated by conservatives and titled patrons, the APS mainly consisted of nonconformists.¹³ Its extra-parliamentary politics of the pressure group mirrors that of Sturge's British and Foreign Anti-Slavery Society (BFASS). Indeed, these groups worked closely together; with an overlapping membership (Sturge was a member of the APS), dividing humanitarian issues of colonial reform between them (after the demise of Buxton's African Civilization Society in 1843), and eventually fusing into one humanitarian body in 1909.¹⁴ Finally, Buxton was an important popularizer but was not an original or even primary thinker in the APS. As Amalie and Edward Kass have observed, although titular president until his death in 1845, Buxton's "loyalty to the APS had begun to abate almost from its inception...and [his] involvement was further diminished by new interests...".¹⁵ In summary, or, rather, to preface the political developments of the 1830s, the APS can be located along the faultline of the 1830s' liberal coalition of reform. Unlike Buxton, its leadership and membership remained firmly liberal (in the old Whiggish, dissent tradition), and were more influenced by a radicalizing nonconformity than by Tory patronage.

Time and the timing of the aborigines protection movement

According to Boyd Hilton, antislavery represented the "supreme example of the politics of atonement."¹⁶ In *Slavery and Human Progress*, David Brion Davis enshrines 1807 and 1833 (the abolition of the slave trade and slavery respectively) as "genuine rituals" recalling myths of death and rebirth, and "designed to revitalize Christianity and atone

¹² Brent, 264-5, 287, and chapter 7 generally. Alex Tyrrell, *Joseph Sturge and the Moral Radical Party in Early Victorian Britain* (London: Christopher Helm, 1987), 64-111

¹³ Charles Swaisland, "The Aborigines Protection Society, 1837-1909", *Slavery and Abolition* (Vol.21, No.2, 2000), 266.

¹⁴ *Ibid.*, 265.

¹⁵ Amalie M. Kass and Edward H. Kass, *Perfecting the World: The Life and Times of Dr. Thomas Hodgkin 1798-1866* (Boston: Harcourt Brace Johanovich, 1988), 377.

¹⁶ Boyd Hilton, *The Age of Atonement: The Influence of Evangelicalism on Social and Economic Thought, 1785-1865* (Oxford: Clarendon Press, 1988 [1991 edition]), 209. Emphasis added.

for national guilt.”¹⁷ The ‘politics of atonement’ is an attractive term but needs to be critically considered. Despite C. Duncan Rice’s statement that emancipation was “an act of atonement for national sins”,¹⁸ this does not mean that evangelical humanitarians understood emancipation as an event that repeats the atonement of Jesus Christ. According to the evangelical understanding of redemption, atonement was something that could only be (vicariously) won through faith not works, and according to the evangelical understanding of God and time, this Atonement was theologically and actually unrepeatable.

In this sense Davis is right to draw attention to *time*, to *history*. Davis observes “an implicit tension between two attitudes toward human history and destiny” in British antislavery writings.¹⁹ The first is “a basically secular belief in the possibility of continuous, gradual improvement in accordance with the natural laws of cause and effect – the underlying assumption being that morality, justice and happiness are capable of the same cumulative advances as science and technology. The second attitude is oriented to what Paul Tillich has called *kairos*, ‘a decisive moment’ of qualitative change that must be distinguished from *chronos*, that is, chronological or ‘watch time’.”²⁰ The *kairos* cannot be regarded as inevitable or complete victories – they exist, Tillich said, between the ‘already’ and ‘not yet’ of history – they are “not in a progressivistic line with the other new things before and after.”²¹ Rather, they represent a “victory over a particular power of destruction...”.²² According to Davis, “The British antislavery triumphs were perceived in precisely this way, but they were also assimilated to a faith in continuous and universal progress, a progress conforming to social and economic laws.”²³

¹⁷ David Brion Davis, *Slavery and Human Progress* (Oxford: Oxford University Press, 1984), 118-28. See Hilton’s discussion, 209-11.

¹⁸ C. Duncan Rice, *The Scots Abolitionists 1833-1861* (Baton Rouge and London: Louisiana State University Press, 1981), 26.

¹⁹ Davis., 128.

²⁰ Ibid.

²¹ Davis, quoting Paul Tillich, “The Decline of the Validity of the Idea of Progress: in Jerald C. Bauer (ed.) *The Future of Religions* (New York: Harper and Row, 1966) 75-77. And see Paul Tillich, *Ultimate Concern* (London: SCM Press, 1965) 125-40 for an introduction to his concept of *kairos*.

²² Ibid., quoting Tillich at the above first reference.

²³ Davis., 128.

Davis's appropriation of Tillich, the basic framing of British emancipation as underpinned by a tension with regards to time, is illuminating and insightful (though qualifications to this idea of progress and a more contextual elaboration will be later discussed in terms of the Liberal Anglican idea of history). Moderate evangelicals possessed both a natural theology, that affirmed the Providence of God, and a supra-natural faith that demanded urgent conversion. The appropriate response to the first was acquiescence, while the correct response to the second was decision. Of course, there is a basic conceptual and practical tension between these two. At the risk of espousing something like an historical idealism, it could be argued that humanitarian politics were constantly discerning, negotiating, and exploring this tension. The conflict between Buxton's later pragmatism and Sturge's early Victorian radicalism can be read along these tensions *of* history, as can Gurney's 'Whig principles' that blended both faith in progress and a urgent warning to avoid the apathy of Toryism with an appeal for conversion to Christian principles. Without wanting to get meshed in a metaphysics of history, there is a tension and complexity – a sense of *both-ness* – to the politics of atonement that is important to (pre)view. That is, 'atonement' as derivative of an unrepeatable event in history, 'advancement' as both necessary (given the laws of progress) and contingent (upon conversion), "redemption of the abolitionists as well as redemption of the slaves"²⁴, emancipation as revelatory of both the virtue of the regenerate and the true extent of human wickedness, empire as damned and praised, and, as later be detailed, the aborigine as both essentially depraved and good. Herein lies the salience of Davis's observation that 1833 was a ritual of both death and rebirth. Out of this heady meeting of opposites – a confessional and generative union of sin and hope – the aborigines protection movement was born as both a negative and affirmative approach to Victorian imperialism.

Though an undoubted victory, the legal abolition of slavery in British colonial territories threatened to take away the *raison d'être* of the anti-slavery movement, and to pare back humanitarian activity to an occasional foray into colonial administration. In this context, "humanitarian leaders...took steps to sustain and redirect popular enthusiasm by

²⁴ Rice, 26.

adopting new issues, reviving older ideas in new forms, and institutional readjustment.”²⁵ Consequently, in conclusion to a long paper of meditations dated January 1834, Buxton made the following statement;

My attention has been drawn of late to the wickedness of our proceedings as a nation, towards the ignorant and barbarous natives of countries on which we seize. What have we Christians done for them? We have usurped their lands, kidnapped, enslaved, and murdered themselves. The greatest of their crimes is that they sometimes trespass into the lands of their forefathers; and the very greatest of their misfortunes is that they have become acquainted with Christians. Shame on Christianity!²⁶

This significant entry, three years before the APS were officially formed, gestures to the presence of a group of philanthropists who had fairly long-held concerns for and interest in the fate of indigenous peoples in British colonies. Later, these individuals will be identified and further discussed, though for the present it is enough to observe that, as with the issue of prison reform which Buxton had distinguished himself as a parliamentary advocate for, a concern for the welfare of ‘natives’ was a cause Buxton came relatively late to. Whereas his grand plans for the civilization and re-colonization of Africa (with American slaves), resurrected previous campaigns, the plight of indigenous peoples, while a natural outgrowth of anti-slavery, was the last, major new cause of Buxton’s long humanitarian career. The above extract also reveals the sort of information and the shape of the polemic that Buxton had received. Pious outrage in the form of a flagellating critique of Christianity was the characteristic tone of the pro-aborigines politics of atonement.

Buxton follows the above words with a personal declaration “to inquire into past proceedings for the purpose of instituting certain rules and laws, on principles of justice,

²⁵ Andrew Porter, “Trusteeship, Anti-Slavery and Humanitarianism”, in Andrew Porter (ed.) *The Oxford History of the British Empire; Vol. III: The Nineteenth Century* (Oxford: Oxford University Press, 1999), 206-7.

²⁶ Buxton, *Memoirs*, 368-9.

for the future treatment of the aborigines of those countries where we make our settlements.”²⁷ Again, to focus on Buxton alone would be deceptive. Not only were others central in bringing the plight of indigenous peoples to the post-emancipation anti-slavers, the appointment of sympathetic evangelicals in key positions of colonial administration – Stephen as Colonial Assistant Under-Secretary in 1834 (becoming Permanent Under-Secretary in 1836), Glenelg as Colonial Secretary in 1836 – facilitated the political mainstreaming of a hitherto marginal cause. Nevertheless, Buxton can be credited with securing a ground-breaking parliamentary select committee inquiry into Aborigines in 1835. It was given the following brief;

The Select Committee appointed to consider what Measures ought to be adopted with respect to the Native Inhabitants of Countries where British Settlements are made, and to the Neighbouring Tribes, in order to secure them the due observance of Justice and the protection of their Rights; to promote the spread of Civilization among them and to lead them to the peaceful and voluntary reception of the Christian Religion...²⁸

The Select Committee published its massive two volume, 1053 page *Report on Aborigines* in 1837,²⁹ and in the same year the Aborigines’ Protection Society was formed, as its last president and biographer reflected, “*mainly with the intention of carrying out the objects of the Parliamentary Committee’s report...*”³⁰ Although it would never gain the popularity of anti-slavery, this new focus of colonial reform – ‘founded’, as it were, by the 1837 Report – became the main concern of humanitarianism in the Victorian British Empire. As one of the historians of British trusteeship has put it; “After emancipation had been achieved, the scope of the humanitarian movement in

²⁷ Ibid., 369.

²⁸ *Report of the Select Committee on Aborigines (British Settlements)*, (Cape Town: C. Struik, Facsimile Reprint 1966 [orig. pub. 1837]), vol. I, iii.

²⁹ *Report of the Select Committee on Aborigines (British Settlements)*, two volumes, Imperial Blue Book 1837 nr VII. 425 (Cape Town: C. Struik, Facsimile Reprint 1966).

³⁰ H.R. Fox-Bourne, *The Aborigines Protection Society: Chapters in its History* (London: P.S. King, 1899), 8. My emphasis.

imperial affairs is conveniently summarized in the title assumed by a group of self-appointed 'colonial trustees' – the Aborigines' Protection Society."³¹

The last comment, however emphatic, needs considerable qualification. In most narratives, the APS are identified as 'the humanitarians' and indeed this thesis often implicitly and pragmatically accepts this identification. However, 'humanitarianism', more broadly constructed as an 'ism', was not homogenous. Mark Hickford's historiographical critique that 'humanitarianism' is a nebulous term, invites further concrete consideration rather than dismissal.³² This thesis finds humanitarianism *concretely* as pluriform. This, as shall be argued shortly, is the reason for H.R. Fox-Bourne 'mainly' when he acknowledged that the APS were formed to 'mainly carry out the Parliamentary Committee's Report...'. Indeed, the Report itself was both a touchstone for aboriginal policy in this period and a survey of the diversity of philanthropic opinion in the British Empire. The Committee solicited evidence from missionaries (such as Dr. Phillips in South Africa and Bishop Broughton in New South Wales), military and colonial officials (such as Captain Stockenstrom in South Africa and the former New South Wales attorney general Saxe Bannister), some indigenous leaders (such as the 'Caffre' chief John Tzatzoe and black convert Andries Stoffles), travelers with ethnographic information (such as the early APS member Richard King), and London-based authorities (such as Dr. Thomas Hodgkin, the founder of the Aborigines Protection Society). The scope of the report was far-reaching. Though sustained attention was given to Southern Africa, it surveyed the welfare of indigenous peoples in 'the Canadas' and Newfoundland, North America, South America, the Caribbean (whose native peoples were found to be extinct), 'New Holland', Van Diemens' Land, and the Pacific Islands.³³ With regard to the latter, the question of the islands of New Zealand, not part of Empire but containing a small number of British citizens, was given some special attention.

³¹ George R. Mellor, *British Imperial Trusteeship, 1783-1850* (London: Faber and Faber, 1951) 13.

³² See chapter one of this thesis, and Hickford, ii, 1-19.

³³ The first volume collects the minutes of evidence, letters and formal submissions. The second volume contains the committee's actual report, widely acknowledged as written by Buxton.

The subject of New Zealand illustrates the multiplicity of humanitarian positions in the 1830s. The London-based secretaries of the Church Missionary Society (Dandeson Coates), London Missionary Society (William Ellis), and Wesleyan Missionary Society (John Beecham), testified to the “injurious and demoralizing effects upon the natives of the conduct of the colonists”.³⁴ While therefore arguing against a secular settlement, their evidence centred around an argument for the civilizing effects of a judicious Christian colonialism. In abolishing superstitious and evil customs (such as ‘tapu-ing’ and cannibalism), bringing more of the land into cultivation and making the natives more industrious (through agriculture and sedentarization), improving their cultural status (through immersion in institutions of religious education and making their language a written one), humane and peaceful missionary activity attested to the putative truth that “Christianity is the parent of civilization...”. “No sooner does the Gospel begin to operate upon the mind of the heathen than it leads to the first step in civilization.”³⁵ Coates, Ellis and Beecham reprinted their evidence in book form, in part to oppose the pleas of the New Zealand Association/Company for the colonization of New Zealand.³⁶ The latter organization, formed in 1837 and with a membership drawn from a previous select committee on ‘colonial lands’, are often framed as anti-indigenous interests. However, in 1837 a philanthropic ideal was an important part of its prospectus, even if fairly rhetorical and unspecified. Maori would be civilized and ‘improved’ through contact with European culture, and a land-fund would be set aside to create aboriginal reserves.³⁷

The select committee’s final report came down on the missionary side. Colonization would be ‘essentially unjust, and but too certainly fraught with calamity to a numerous and inoffensive people whose title to the soil and the Sovereignty of New Zealand is

³⁴ *Report on Aborigines*, vol. I, 487.

³⁵ *Ibid.*, 538.

³⁶ D. Coates, W. Ellis and J. Beecham, *Christianity, the means of civilization shown in the evidence given before a committee of the House of Commons on aborigines* (London: Seeley, Burnside, Seeley and Mason, 1837).

³⁷ M.P.K. Sorrenson, “How To Civilize Savages: Some ‘Answers’ From Nineteenth Century New Zealand”, *New Zealand Journal of History*, Vol. 9 No. 2 1975, 103-4. Claudia Orange, *The Treaty of Waitangi* (Wellington: Allen and Unwin, 1987), 25-30.

indisputable.’³⁸ Speaking throughout in a consistent if vague language of property and sovereignty rights for aborigines, the Report, as Mark Hickford has noted, “was noticeable for its preoccupation with methods of disciplining non-mission European transactional activity with indigenous populations beyond British settlements...”.³⁹ Moreover, “in its treatment of aboriginal proprietary interests, the committee’s proceedings extended a theme that Andrew Porter has connected with John Philip’s mission in southern Africa...or those in the Pacific. That is, aborigines would be sedentarized and occupy settled territory in or near mission stations or mission-sponsored hamlets.”⁴⁰ Working within these frames, specific suggestions made by the select committee included the centralization of imperial policy decision making (protecting indigenes from parochial interests), prevention of alcohol sales, the provision of religious education, swift punishment for crimes committed by British subjects against indigenes, strict regulation of lands including no acquisition of new territory ‘without the sanction of Home Government’, Protectors in Australia and ‘Consular Agents in the South Sea Islands, the encouragement of missionaries, and, significantly, the avoidance of treaties given the superior European political reason “in framing, in interpreting, and in evading them.”⁴¹

More generally, the *Report on Aborigines* exemplified the politics of atonement. It reinforced a tense historical narrative that included on one hand an aggressive critique of British identity, religion, nationhood, and ‘civilization’, while simultaneously affirming the close, ‘blessed’ relationship between Providence and the British people. It was gravely pessimistic about the past historical treatment of indigenous peoples and warned of their impending extinction, while also looking forward to their incorporation into not so much a legal and political jurisdiction, but primarily a moral and spiritual community.

³⁸ Ibid., 31.

³⁹ Hickford, 71.

⁴⁰ Ibid., 71-2. Andrew Porter, “‘Commerce and Christianity’: the rise and fall of a nineteenth-century missionary slogan”, *Historical Journal*, xxviii (1985), 597-621, 610. Porter, “North American experience and British missionary encounters in Africa and the Pacific, c1800-50” in Martin Daunton and Rick Halpern (eds.) *Empire and Others: British Encounters with Indigenous Peoples 1600-1850* (Philadelphia: University of Pennsylvania Press, 1999), 345-363, 353-4. Niel Gunson, *Messengers of Grace: Missionaries in the South Seas 1797-1860* (Melbourne: Melbourne University Press, 1978), 270-1.

⁴¹ *Report on Aborigines*, vol. II, 77-87.

A lengthy quote may be excused in the interests of illustrating the politics of atonement in its own language;

Great Britain in former times, countenanced evils of great magnitude, – slavery and the slave trade; but for these she has made some atonement...But for these there was an apology; they were evils of an ancient date...An evil remains very similar in character, and not altogether unfit to be compared with them in the amount of misery it produces. The oppression of the natives of barbarous countries is a practice which pleads no claim to indulgence; it is an evil of comparatively recent origin, imperceptible and unallowed in its growth; it never has had even the colour of sanction from the legislature of this country...⁴²

Yet in the swift space of a paragraph, the Report climbs from nadir and leaps to the heights of self-affirmation;

The British Empire has been signally blessed by Providence, and her eminence, her strength, her wealth, her prosperity, her intellectual, her moral and her religious advantages, are so many reasons for peculiar obedience to the laws of Him who guides the destinies of nations. These were given for some higher purpose than commercial prosperity and military reknown.⁴³

The report then adorns this conclusion with a quote from one of Whewell's sermons;

It is not to be doubted that this country has been invested with wealth and power, with arts and knowledge, with the sway of distant lands, and the mastery of the restless waters, for some great and important purpose in the government of the world. Can we suppose otherwise than that it is our office

⁴² Ibid., 75

⁴³ Ibid., 76.

to carry civilization and humanity, peace and good government, and above all, the knowledge of the true God, to the uttermost ends of the world?⁴⁴

That humanitarians figured the correct moral relationship between Empire and indigenous territories/peoples as one of ‘trusteeship’, is a commonplace observation. A more interesting question is not even ‘why’, but ‘how’. The sense of history as expressed in the above extracts corresponds, very generally and in flashes, to what Duncan Forbes has identified as the emergence of a ‘Liberal Anglican idea of history’ in the early-mid nineteenth century. That is, Forbes sees historians such as Thomas Arnold, J.C. Hare, H.H. Milman, A.P. Stanley, Connop Thirlwall, and Richard Whately – latitudinarian Anglicans heavily influenced by Coleridge and German thinking – as developing a more romantic account of history as compared to the rationalism of the eighteenth century.⁴⁵ These historians major works – such as Milman’s *History of the Jews* (1829) and *History of Christianity* (1840), Whately’s *Introductory Lectures on Political Economy* (1831), *Arnold’s History of Rome* (1838-40) – although gestated in the early nineteenth century, were appearing in or around the 1830s. Even if the co-nascent aborigines protection movement differed in many respects from Forbes’ Liberal Anglicans (in international law, the APS would later oppose Arnold’s influential labour theory of property rights), the humanitarian’s notion of history, not unsurprisingly, displays many similarities with the influential Liberal Anglican historians.

Forbes’ thesis and this Liberal Anglican idea of history will be discussed in detail in the subsequent chapter. For the present three main features of it can be seen as central to the 1837 Report’s sense of history. First, the humanitarian view of *civilization* as primarily moral, spiritual and intellectual culture corresponds to the Liberal Anglican concept, which opposed the increasing Victorian sense of civilization as material and technological.⁴⁶ As will be detailed in chapter four, this notion responded to a ‘crisis in

⁴⁴ Ibid., 76. Quoting ‘Rev. Mr. Whewell’s Sermon before the Trinity Board.’

⁴⁵ Duncan Forbes, *The Liberal Anglican Idea of History* (Cambridge: Cambridge University Press, 1952) vii-x, and see his bibliography for an overview of these Liberal Anglican histories.

⁴⁶ Forbes, 6-7, 95-102.

civilization' in which historians studied dead civilizations of the past and drew comparisons with the present trend towards materialism, immorality, and decadence. The emphasis on religion as that which elevates the nation from the cycle of death and saves it from a "second barbarism", displays the "latent evangelicalism" underlying the Liberal Anglicans, and, of course, manifest in the humanitarian sense of history.⁴⁷ For the present discussion it is important to note that this notion of 'true civilization' was developed in conversation with history and enabled its proponents to comprehend both the death and rebirth of human history. Second, the Liberal Anglicans, though philosophically anti-utilitarian, had a deep sense of history not as something past, but as something present in a fundamentally *practical* and *political* manner.⁴⁸ Though less sophisticated and more eighteenth century, humanitarians likewise looked to history for moral and political orientation in the present (for example, Clarkson's histories of slavery and Quakerism, and the Report's thumbnail history of aboriginal-European relations). Third, as the above extracts from Buxton's report and Whewell's sermon make clear, humanitarians shared what Forbes has argued is the foundational assumption of the Liberal Anglican idea of history: "Progress being for the Liberal Anglicans, not an unquestioned assumption...Their absolute presupposition was God's Providence; it is this which they took for granted and which they never questioned or doubted."⁴⁹

With the interest and urgency stirred up by the release of the report, the Aborigines Protection Society was formed in 1847. In addition to Buxton, the select committee on aborigines had included the Independent Edward Baines, the evangelicals Charles Lushington and Andrew Johnston, the Quaker M.P Joseph Pease (cousin of the Gurneys), and even Sir George Grey and a young William Gladstone. These MPs were mostly liberal, colleagues of Buxton's in the anti-slavery movement, and, in the case of at least Lushington, Baines, and Pease, were sympathetic toward Radical Reform (for example, they did not share Buxton's support for the slavery apprenticeship system).⁵⁰ Of the select committee, Buxton, C. Hindley, Johnson, Lushington, Baines, and Pease

⁴⁷ Ibid., 97, 131.

⁴⁸ Ibid., 4-5, and see chapter IV on 'Practical History'.

⁴⁹ Ibid., 7.

⁵⁰ Brent, 280.

were on the first committee of the APS, and were joined by others including the famous Quaker philanthropists William Allen, Samuel Gurney, William and Josiah Forster, the traveler and ethnologist Richard King, Dr. Stephen Lushington M.P., the former New South Wales Attorney General Saxe Bannister, and the pathologist and Quaker Dr. Thomas Hodgkin (after whom 'Hodgkin's disease takes its name').⁵¹ Though Buxton was its first president, the most important member of the APS was Thomas Hodgkin (1798-1866). The APS' first annual report of 1838 records that Hodgkin be "recognised as substantially the Father and Founder of the Aborigines Protection Society"⁵², while Fox-Bourne's 1899 history of the APS affirmed that "until his death on 5th April, 1866...Dr. Thomas Hodgkin was the real head of the Aborigines Protection Society, although the office of president was worthily filled by the first Sir Thomas Fowell Buxton for eight years, and was as worthily occupied between 1845-1882 by the late Mr. Samuel Gurney".⁵³

The relationship between the select committee on aborigines and the committee of the APS was close but not identical. The first report of the APS expressed the "conviction that a more important, relating to the prospective interests of millions of the human race, was never laid on the table of either House of Parliament."⁵⁴ Indeed, the first publication of the APS was an immediate (1837) reprint of the parliamentary report – a slim, accessible edition designed for public reading. The reprint contained "slight modification"⁵⁵, which, although genuinely slight, nevertheless shows that there was not one 'humanitarian position' on the question of aborigines protection, even among friends. This underlines Mark Hickford's consistent observation that the emergence of aboriginal rights policy in the 1830s and 1840s "comprised a series of dynamic and contestable moments...were in the 'making' throughout", rather than being determined by reference to a pre-existent corpus of legal precedent.⁵⁶

⁵¹ *The First Annual Report of the Aborigines Protection Society* (London: W.Ball, 1838), 4, and 30-1 for full membership and donation tables in the first two years, showing most funding came from wealthy Quaker families such as the Peases, Sturges, Gurneys, Allens, Barclays, and Cadburys.

⁵² *Ibid.*, 11.

⁵³ Fox-Bourne, *The Aborigines Protection Society: Chapters in its History*, 14.

⁵⁴ APS, *First Report* (1838), 11.

⁵⁵ *Ibid.*, 12.

⁵⁶ Hickford, abstract and *passim*.

As I noted in chapter one, the difference between the parliamentary humanitarians and the APS has been a source of confusion for some New Zealand historians (M.P.K. Sorrenson, not Sinclair who understood this well).⁵⁷ The difference is critical because it concerned the matter of treaties. Whereas the 1837 *Report on Aborigines* concluded “as a general rule...it is inexpedient that treaties should be frequently entered between the local Governments and the tribes” given the “cupidity of the more powerful body” and the ability of Europeans to frame, interpret, and evade treaties,⁵⁸ in the very same year the APS, *on principle*, took an opposite point of view. They did not agree that “the safety and welfare of an uncivilized race require that their relations with their more cultivated neighbours should be diminished rather than multiplied.”⁵⁹ As the following, important extract makes clear, the APS expressed a belief in a doctrine of universal human rationality (or at least teachability), and in a political philosophy drawn firmly from the natural rights tradition. Emphatically, though the APS retain a civilized/uncivilized dichotomy, natural reason and treaties transcend this as they are rooted in an essential human nature present in all stages of human development;

Treaty or compact is natural to man in every state; it arises out of his social condition; and he does not feel himself at ease with his fellow-man except in the security which is afforded by conventional compact. And the Caffre or the Indian are as capable of understanding the nature of a treaty, when it is plainly stated to them, as the civilized man. We cannot in any sense agree with the Committee in considering it a cause of evil: it may be made an instrument by which wicked and violent men will pervert justice; but if no treaty existed, such dispositions would only lead them to similar conduct by more *direct* means.⁶⁰

⁵⁷ M.P.K. Sorrenson, “Treaties in British Colonial Policy: Precedents for Waitangi”, in William Renwick (ed.) *Sovereignty and Indigenous Rights* (Wellington: Victoria University press, 1991), esp. 15, 26. See chapter one for my discussion a clarification of this point of dispute between Sorrenson and Sinclair on the APS and treaties.

⁵⁸ *Report on Aborigines*, 80.

⁵⁹ *Ibid.*

⁶⁰ APS, *Report of the Parliamentary Select Committee on Aboriginal Tribes (British Settlements)*, reprinted with comments by the “Aborigines Protection Society” (London: William Ball, 1837), 122.

The implications of this for New Zealand, 'founded' by treaty when the only the APS seem committed to such a policy, are considerable. This point of distinction with the parliamentary humanitarians is explained by Keith Sinclair briefly and superficially, as part of a "Lockian tradition" inherited from anti-slavery.⁶¹ Of course, this fails to differentiate the APS from any other member of the anti-slavery movement. A more concrete explanation can be ascertained from a consideration of the evidence given to the Select Committee by Saxe Bannister and Thomas Hodgkin, two of most important early advocates for the aborigines cause. In chapter five I focus on Hodgkin and his ethnological thought, but here (in terms of 'humanitarian history') it is important to begin with Hodgkin as the aborigines protection movement in nineteenth century Britain began with him. In the late 1820s/early 1830s Hodgkin led an informal group of philanthropists that collected information about the past and present state of indigenous peoples. This cause was brought to mainstream humanitarian attention after 1833, Hodgkin's group acted as expert advisers to the select committee, then reformed into the Aborigines Protection Society. In Fox-Bourne's words; "This Select Committee – with which Dr. Hodgkin and his associates co-operated as a sort of outside committee...was thus in one sense the parent, in another sense the offspring of the Aborigines Protection Society...".⁶² The relationship between this 'core group' of pro-aborigines philanthropists, organized as a pressure group on the margins of the humanitarian movement, and the institutional parliamentary humanitarians, led by Buxton and representing a political and popular mainstream, was contiguous rather than homologous.

Since childhood Hodgkin had been concerned with indigenous cultures, particularly North American Indians. This life-long passion was a direct result of his Quaker background. As Fox-Bourne recounts, "Hodgkin's early veneration for the character of William Penn had led him to devote his life to carrying out the great Quaker's humane and Christian policy toward aboriginal races."⁶³ This idealization of Penn, as I noted in

⁶¹ Sinclair, "The Aborigines Protection Society and New Zealand", 57.

⁶² Fox-Bourne, 3.

⁶³ Ibid.

the previous chapter, was a characteristic trope and strategy of many nineteenth century British Quakers who were increasingly engaging with 'the World'. Born at the turn of the century, well-educated and widely traveled, Hodgkin, alongside contemporaries like Jonathan Dymond and Joseph Sturge, represented a generation of Quakers whose most notable figures were religiously evangelical and intellectually liberal.⁶⁴ Hodgkin always remained a devout Quaker and did not reject the black Quaker garb as others did, yet also fought to reform the Society away from its exclusionary ethos.⁶⁵ What is especially pertinent to this chapter, however, is how these reformers (of Quaker and British society), looked to history for orientation in the present.

In his important biography of Joseph Sturge, Alex Tyrrell notes that "from his reading of seventeenth history Sturge obtained a source of inspirations for the reforms during the 1830s..."⁶⁶ Unfortunately, Tyrrell does not expand on this, but, without over-determining the connections Tyrrell is making between these two periods, it is certainly true to say Thomas Hodgkin and other humanitarians followed such a path in the reform of early Victorian Imperial policy toward indigenous peoples. This is not to say that Hodgkin and colleagues were anti-Victorian in approach. The APS was the first anthropological body in Britain and Hodgkin was one of the earliest exponents of the new science of 'ethnology'.⁶⁷ But scientific explorations were informed by an overarching imagination – about indigenous peoples, European society, and 'civilization', both past and present – that was most clearly a function of history to provide.

⁶⁴ There have been two good biographies of Thomas Hodgkin, both by admiring surgeons and/or medical historians: Michael Rose, *Curator of the Dead: Thomas Hodgkin, 1798-1866* (London: Peter Owen, 1981), and Amalie M. Kass and Edward H. Kass, *Perfecting the World: The Life and Times of Thomas Hodgkin 1798-1866* (Boston: Harcourt Brace Jovanovich, 1988).

⁶⁵ Hodgkin argued for the liberalization of Quaker rules including allowing first cousins to marry each other. Rose, *Curator of the Dead*, 119.

⁶⁶ Alex Tyrrell, *Joseph Sturge and the Moral Radical Party in Early Victorian Britain* (London: Christopher Helm, 1987), 4.

⁶⁷ See George W. Stocking, "What's in a name? The origins of the Royal Anthropological Institute (1837-71)", *Man*, 6, 1971, 369-373, and R. Rainger, "Philanthropy and science in the 1830s: the British and Foreign Aborigines' Protection Society", *Man*, xv, 1980.

Confessional histories of atonement

1. Hodgkin's evidence: The iconography of The Peaceable Kingdom

The parliamentary *Report on Aborigines* can be seen as broadly concerned with three issues: colonization, the relationship between Christianity and civilization, and aboriginal protection. These concerns and their inter-relationship illustrate the humanitarian sense of history that informs the politics of atonement. First, inquiring into the history of colonization and its effects on indigenous peoples led to the conclusion that it had been a universal disaster for the latter. When answering the committee's questions – questions which Hodgkin must have had a large part in shaping and suggesting – Hodgkin referred to colonization as “an exterminating process” in comparison to which slavery would, he argued, eventually be found to be “a smaller evil”.⁶⁸ This is, of course, emphatic language in post-emancipation British philanthropy. Within the scheme of atonement, the first step in redemption is the *confession* of sin and guilt, and given its enormity and form as ‘national guilt’, the only appropriate act of confession was historical, was a reconstruction of British history.

When I refer to humanitarian accounts of history as ‘confessional’ I mean this in the sense of an historical narrative characterized by the intention to disclose sin or moral evil, rather than the conventional sense of ‘confessional history’ as a overly partisan, sectarian form of ecclesiastical history. The confession of national guilt for centuries of oppression toward indigenous peoples is an archetypal feature of the historical period, as Davis argued in terms of 1833 as a ritual of death and rebirth, and of the humanitarian approach *to* history. Emancipation was an act of political recognition that implied a prior historical acknowledgement. History, then, was governed by moral reasoning designed to affect a sympathetic transformation of the popular imagination. The political plight of indigenous peoples and black slaves – communities widely considered culturally alien and therefore, in the nineteenth century, sub-human and right-less – ultimately depended on such a change in ‘public opinion’, what James Walvin has

identified in anti-slavery writings as “winning the national conscience”.⁶⁹ For my thesis, the benevolent and liberal interpretation of law is a derivative phenomenon in the politics of aboriginal protection.

Following the critical act of confession, the next step is performing acts of moral restoration intended not to ‘win’ salvation, which was the Pelagian heresy, but as witness to the new life of the regenerate individual/nation. This opens discussion into the second major concern of the select committee: the relationship between Christianity and civilization. It was “the question whether, in order to introduce civilization and Christianity amongst the natives, it is desirable to begin with civilization in order to lead Christianity, or to begin with Christianity as the readiest mode of conducting to civilization?”⁷⁰ Of course, following Hodgkin and the missionaries, the committee decided that there could be no true separation of these concepts. In emphasizing the civilization of indigenes as pre-eminently a matter of educational and intellectual advancement and a state of spiritual and moral excellence, Hodgkin shares the Liberal Anglican view of civilization as intellectual cultivation/religious perfection, as opposed to the growing Victorian sense of it as material culture. As Buxton stated in letter to Dr. Philip of Cape Town, “it is our duty to give them [aborigines] compensation for those evils, by imparting the truths of Christianity and the arts of civilised life.”⁷¹ This atonement would above all be an act of obedience to God through imparting “that civilization, that innocent commerce, that knowledge and that faith with which it has pleased a gracious Providence to bless our own country.”⁷²

Third, the question was what measures should be adopted so as to secure *protection* of the rights of aborigines seems, in contrast, a basically practical one and open to greater dispute. This is the question of the viability and nature of aboriginal rights,

⁶⁸ *Report on Aborigines*, Vol. I, 455.

⁶⁹ James Walvin, “The Propaganda of Anti-Slavery” in James Walvin (ed.) *Slavery and British Society 1776-1846* (London: MacMillan, 1982), 63, and on the importance of public opinion generally see Seymour Drescher, “Public Opinion and the Destruction of Colonial Slavery” in Walvin (ed.) *Slavery and British Society*.

⁷⁰ *Ibid.*, 635

⁷¹ ‘Letter to Rev. Dr. Philip, at Cape Town’, January 17 1834, in Buxton, *Memoirs*, 369-370.

⁷² *Report on Aborigines*, Vol. II, 76.

protectorships, treaties, and other instruments of colonial political justice. Many scholars might consider this to be the singular and real concern of intellectual history. This, however, would be both a narrow approach to history and ideas, and to the 'aboriginal policy' in 'the age of atonement'. The APS's distinctive argument for treaties is to be understood in terms of this religious worldview. That is, Hodgkin's evidence to the select committee and his aboriginal policy generally is, as Fox-Bourne noted though subsequent historians have failed to make the connections, underpinned by the political ideal of William Penn and the Quaker's 'Holy Experiment' of Pennsylvania. This provided a compelling argument for the use of treaties, and furnished Quaker humanitarians with a colonial ideal of natural rights and cultural co-existence. Above all, it was a seductive image of civic *peace* that both exemplified the possibility of exceptions to the general rule of colonial violence (against indigenous peoples), and underlined the eminence and desirability of the Quaker ethic in humanitarian reform.

In a supplementary paper Hodgkin wrote for the select committee, he collected relevant extracts from such sources as Clarkson's *Life of William Penn*, Proud's *Pennsylvania*, Penn's own writings, and Quaker letters of the seventeenth centuries, and edited them into a concise summary of Penn's political experiment.⁷³ Prefacing this paper, there are two important points to be noted from Hodgkin's spoken evidence. First, though clearly idealizing the archetypal Quaker statesman, Hodgkin stated that "the great beauty of William Penn's system was rather negative than positive; he abstained from the crime of taking the land from the natives, but...his various occupations with his own colony prevented his doing anything very considerable for the advancement of the natives, though it is evident that he had their interest at his heart."⁷⁴ Directing evidence in this way allowed Hodgkin to weld in his own unique, personal vision that saw no distinction between aboriginal protection and advancement, cultural preservation and native transformation. Or rather, using the terms of modern political theory, Hodgkin *did* make a distinction between negative and positive liberty – between recognizing a citizen's basic rights of autonomy and 'forcing them to be free' (in Rousseau's famous words) –

⁷³ Ibid., 113-121, 'Appendix, No. 2: Paper (A.) referred to in the Evidence of T. Hodgkin'.

⁷⁴ Ibid., Vol. I, 639

but he enthusiastically believed both were possible and required. Criticizing, refining, and updating the exemplary history of aborigines protection was central in developing the APS's vision of 'humane and christian policy' as a civilizing ideal.

Second, the way in which 'the aborigine' is discussed in Hodgkin's evidence illustrates the disruption of cultural identity norms. This was, as will be seen, an important and familiar strategy of humanitarian literature. In Hodgkin's account, the predicament of the nineteenth century aborigine in the modern process of colonization is understood in analogy with the ancient Briton suffering under Roman colonization (though the fate of the aborigine is argued to be more dire).⁷⁵ The image of the aborigine that Dymond brought home to British political debate – a canoe of Indians discovering England – becomes fully introjected to resonate with an internal sense of nativity, territoriality, and self-(dis)possession. The normal assumptions of indigeneity or aboriginality become displaced in an implicit plea to the sympathetic psyche. This is not altogether innocent or disconnected from Hodgkin's civilizing ideal. In the face of dehumanization, what Dymond saw as treating aborigines like bears or wolves, the rhetoric of humanitarianism asks the colonial self to recognize the other as the same, it asks the British to assimilate 'them'.⁷⁶

In Hodgkin's paper on Penn recounts the exemplary history of Pennsylvania;

There is scarcely a fact in modern history more notorious than that William Penn, in laying the foundation for the province of Pennsylvania, furnished a singular exception to the mode of colonization adopted by civilized and Christian states, inasmuch as he obtained the possession of his territory by treaty and purchase of those who possessed a natural and hereditary right to it, instead of resting satisfied with having obtained his right and title by letters patent from the King, a title which though perfectly valid and unquestionable

⁷⁵ Ibid., 454-459.

⁷⁶ On the question of alterity and culture, see Tzvetan Todorov, *The Conquest of America: The Question of the Other* (Norman, Oklahoma: University of Oklahoma Press, 1999 edition [orig. pub. 1982]), esp. 3-13, 245-254.

according to the views of the civilized world, must, when closely examined and coolly considered, be regarded as merely an assumed right, repugnant to reason and justice.⁷⁷

This is a considerable passage, perhaps the most revealing statement of the humanitarian use of natural rights philosophy, though it may not appear so at first glance. In the abstract, it invokes trans-cultural notions of reason and justice that may be 'repugnant' to the otherwise 'perfectly valid and unquestionable' assumptions of 'the civilized world.' Indeed, they may even contradict the legal right of the sovereign. While elsewhere Hodgkin would entrust and even implore the civilized world to introduce these standards of goodness and truth – Hodgkin's evidence consistently defines civilization as intellectual and moral culture⁷⁸ – a radical natural rights universalism, as evinced here, provides internal contradiction and resistance to colonial, even humanitarian, assimilation and oppression. The passage also assumes a 'conflict of rights' to be foundational to aboriginal rights discourse, and shows how exemplary seventeenth century thinkers anticipated and negotiated this inevitable tension in political theory. This use of historical example is the other striking feature of humanitarian aboriginal rights. It is therefore wrong to suggest, as many nineteenth century and contemporary opponents of natural rights have done, that the naturalist tradition is noetic and ahistorical, 'nonsense on stilts'.⁷⁹ Humanitarian rights discourse was forwarded in critical conversation with and construction of history, and oriented by a particularly concrete and compelling historical example.

Hodgkin reinforces what was a familiar image of justice and political integrity. Penn's treaty of peace with local Indian tribes was for Quakers, as Clarkson observed, one of the only images allowed in their houses, and was the subject of many engravings and paintings since the treaty was signed in 1682. For Enlightenment thinkers it was also a popular image of exceptional European conduct toward indigenous peoples. Of Penn's

⁷⁷ *Report on Aborigines*, Vol. II, 113.

⁷⁸ *Ibid.*, Vol. I, 635-6.

treaty Voltaire remarked 'that it was the only one ever concluded which was not ratified by an oath, and the only one that never was broken.'⁸⁰ In his *Law of Nations*, Vattel praised "the laudable example" of respecting the prior proprietorship of Indians that "was followed William Penn, and the colony of quakers that he conducted to Pennsylvania."⁸¹ But Hodgkin wants to go further than the familiar, indeed stresses that "the two most important features in William Penn's conduct towards the aborigines appear...to be very generally overlooked."⁸²

The first one is that although Penn purchased the land from local tribes, "he did not desire their removal from it. They were at liberty to settle as his subjects in many parts of the province."⁸³ This then raises the problem of political co-existence, of Indians and settlers living as equals in the same polity, which is really the central dilemma of humanitarian or 'humane colonization'. That is, the major preoccupation of the Aborigines Protection Society and British government in dealing with the 'New Zealand question' that was emerging and hotly debated just after the parliamentary report was issued and the APS formed. If Pennsylvania was the historical focus of the humanitarian *past*, New Zealand, given the 'advanced' state of its inhabitants and the prospects of a humane policy, what Sinclair identified as the 'Brave New World', 'Utopian Experiment', and "new and noble beginning in British colonial policy",⁸⁴ was the focus of immediate humanitarian hopes in the present. In the humanitarian historical imagination there was an implicit proximity between the 'Holy Experiment' and the 'Utopian Experiment', despite the now secular connotations of Sinclair's term. In other words, a proximity between the New World of

⁷⁹ For a discussion (and rejection) of three classic anti-rights arguments and the contemporary critique of rights theory, see Jeremy Waldron, *Nonsense upon stilts: Bentham, Burke and Marx on the Rights of Man* (London: Methuen, 1987).

⁸⁰ Voltaire quoted in William Howitt, *Colonization and Christianity: A Popular History of the treatment of the natives by the Europeans in all their Colonies* (London: Longman, Orme, Brown, Green, and Longmans, 1838), 360.

⁸¹ Emmerich de Vattel, *The Law of Nations; or, Principles of the Law of Nature, applied to the conduct and affairs of Nations and Sovereigns*, a new edition [translated and edited] by Joseph Chitty (London: S. Sweet, 1834 [orig. pub. 1758]), 100.

⁸² *Report on Aborigines.*, Vol. II, 113.

⁸³ Ibid.

⁸⁴ Keith Sinclair, *A History of New Zealand* (Auckland: Penguin Books, 1980 edition [orig. pub. 1959]) 68 - 69.

Pennsylvania, shining amidst the sorry Old New World of aboriginal destruction in the Americas, and the Brave New World of New Zealand.

In addressing the problem of cultural co-existence Hodgkin elaborates on what he considered to be the second most important feature of Penn's policy (the first being his willingness to freely include Indians in colonial owned territory). This, then, is a series of experiments in mixed-cultural instruments of justice;

The second point is, that he admitted them to full participation in the benefit and protection of the laws, enacting that in cases in which Whites and Indians were concerned, they should sit in equal numbers on the juries. He also made some special laws in their favour, lest from inferiority in knowledge they should be the victims of injustice. Thus he restricted the trade in skins to duly authorized persons, and still further to insure them against receiving an inadequate value, these transactions were to take place in the public market.⁸⁵

It should be emphasized that these 'special laws' and socio-economic interventions, familiar instruments in later APS plans for 'humane colonization', were designed, in Hodgkin's view, to *protect* the exercise of rights of aborigines in colonial systems of governance, rather than with the express intention of civilizing the indigenes. While effective in their intention, Hodgkin clearly would want to see these extended under the auspices of a more active state that undertakes immersion education so that aborigines will be able to use their rights for the full benefit of their people.

In the absence of more 'positive' civilizing measures, these laws and a respect for "the inalienable rights of the Indians" according to Hodgkin, were nevertheless a key and neglected feature of Penn's ideal;

The example of William Penn has been repeatedly followed, as far as the obtaining of land by treaty with the Indians; by means of which the Indians

⁸⁵ *Report on Aborigines.*, Vol. II, 113.

have the Indians have rapidly lost large and rich tracts of land, which would not so soon have changed their owners under a system of forcible spoliation. Such treaties unaccompanied by the beneficent measures which formed a part of William Penn's plan, have been beneficial to the Whites, but irreparably injurious to the Indians.⁸⁶

Of course, in Hodgkin's testimony the issue of land and a respect for property was central. But property rights are simply the starting point for humanitarians, and are certainly not definitive of their notion of political rights. Given their ideal, and the present concern for humane colonization, APS humanitarians were always concerned with rights as the moral basis for a theory of inter-cultural *citizenship*.⁸⁷ In this respect, Penn's life and writings, as a number of modern historians have noted, provide a well-fleshed out natural rights philosophy.⁸⁸ With his emphasis on individual liberty, limited government constrained by social contract, and natural rights, Penn's politics show many similarities to his contemporary John Locke. As politician and designer of the constitution of Carolina, Locke, was of course, involved in both the theory and practice of colonialism. For this thesis, the crucial distinction between the two can best be approached in terms of the 'utopian' elements in their thought, and the place of indigenous peoples in these ideal societies.

Lockean interpretations of the 'wasteful savage', whose natural resources, according to natural justice, should be the property of the more productive and industrious, have been argued to be heavily influenced by the writings of Thomas More.⁸⁹ In More's *Utopia* (1516), which provides an early if cursory treatment of the aborigine in the British

⁸⁶ Ibid., 114.

⁸⁷ See Standish Motte, *Outline of a System of Legislation, for securing protection to the aboriginal inhabitants of all countries colonized by Great Britain; extending to the political and social rights, ameliorating their condition, and promoting their civilization* (London: John Murray, 1840), which was "drawn up at the request of the committee of 'The Aborigines Protection Society'".

⁸⁸ See Edward Corby Obert Beatty, *William Penn as Social Philosopher* (New York: Octagon, 1975 [orig. pub. 1939]), and Mary Maples Dunn, *William Penn: Politics and Conscience* (Princeton: Princeton University Press, 1967).

⁸⁹ See Wayne Glausser, "Three Approaches to Locke and the Slave Trade", *Journal of the History of Ideas* (Vol. 51, No. 2, April – June 1990), 207-210, and M. Seliger, *The Liberal Politics of John Locke* (New York, 1969), 114-24.

political imagination, an overflowing European population are envisaged as having the moral right to drive natives off the 'wastelands' they so wastefully occupy. If the natives resist the colonists are instructed to wage war on the assumption that such a war and dispossession is just.⁹⁰ In Utopia, it is the indigenes that are left nowhere. This was, as Hodgkin makes clear, most often the reality of natural rights theory as applied in North America. Initially, the difference with Penn seems to be less a matter of theoretical principle as a practice of equality. Via the example of Penn's great 'honoured treaty' this image and ideal of cultural co-existence became, through its thematic reproduction in history and art, a central part of the iconography of the Peaceable Kingdom.⁹¹

However, its designation as 'the treaty of peace'⁹² highlights a fundamental moral difference between Penn and other similar seventeenth century Whigs. As I emphasized in the discussion of Clarkson's moral history of Quakerism and Dymond's political morality, a pacifist ethic above all provided a distinctive radical moralism to Quaker politics. For example, Pennsylvania's capital of Philadelphia, completely planned out in advance by Penn, is envisioned free from city walls or a fortress; "a radical departure from other settlements in Europe and America...".⁹³ The history of relative peaceful co-existence between settlers and Indians in the Pennsylvania area cemented, in legend at least, this utopian ideal. Even if the settlers of Pennsylvania had and did regard Indians as wasteful, More's Just War was theoretically unavailable to them. A radical peace ethic was thus central to the APS's ideal, and explains why Sinclair reports the New Zealand colonial press as describing them as 'pacifists', and why the New Zealand Wars were so disastrously received by the APS.⁹⁴

⁹⁰ Thomas More, *Utopia*, translated by Edward Surtz (New Haven: Yale University Press, 1964), 76. See Andrew Sinclair, *The Savage: a history of misunderstanding* (London: Weidenfeld and Nicolson, 1977, 65, for More's use of 'savagery'.

⁹¹ It should also be noted that as a colony for the religiously persecuted, Pennsylvania attracted relatively libertarian and moralistic settlers.

⁹² Hodgkin in *Report on Aborigines*, Vol. II, 114.

⁹³ Ruth Eaton, "The City as Intellectual Exercise", in Ronald Schaer, Gregory Claeys, and Lyman Tower Sargent, *Utopia: The Search for the Ideal Society in the Western World* (New York/Oxford: The New York Public Library/Oxford University Press, 2000), 125.

⁹⁴ See Sinclair, "The Aborigines Protection Society and New Zealand", 76-133.

Whereas Locke's ideal society was genuinely utopian in its proximity to More, Penn and nineteenth century Quakers had a utopian vision that was often called 'the Peaceable Kingdom'. This is not to suggest that Locke's politics were less religious or biblically centred,⁹⁵ but Quakers drew on a biblical image/ethic (Isaiah's prophecy) that was more radically scriptural in the sense of being more allusive and elusive in political actuality. This religious vision became concretely identified with the early 'golden years' of Pennsylvania, most notably in a series of works by the American Quaker Edward Hicks. Hicks's 'Peaceable Kingdoms' (see appendix), were painted throughout the early-mid nineteenth century when, in England, Quaker historians and philanthropists were idealizing the Peaceable Kingdom of Pennsylvania in their writings. Even non-Quaker humanitarians such as Thomas Clarkson were revering Penn, and an extract from Clarkson's *Life of William Penn* as quoted by Hodgkin sums up the religiosity of vision;

The views of William Penn in the colonization of Pennsylvania, were most manifestly the best and most exalted that could occupy the human mind; namely, to render men as free and happy as the nature of their existence could possibly bear in their civil capacity, and in their religious state; to restore them to those lost rights and privileges with which God and nature had originally blessed the human race. This, in part, he effected; and by those means in which Providence in the following manner put into his hands, he so far brought to pass, as to excite the admiration of strangers, and to fix in posterity that love and honour for his memory which the length of future time will scarcely ever be able to efface.⁹⁶

Not only does this extract highlight the historical ideal that Quaker-influenced humanitarians took as exemplary, it signifies a genuine connection with the politics of atonement. As Clarkson states, Penn's politics of conscience was an instance of restorative justice, of 'restoring lost rights and privileges'. In the context of the aborigines protection movement defending the 'inalienable' rights of aborigines was not

⁹⁵ W.M. Spellman's *John Locke* (New York: St. Martin's Press, 1997), makes an important case for understanding Locke's thought as a "renewed Christian politics".

⁹⁶ Clarkson, *Life of William Penn*, Vol. I, 265-66, quoted in *Report on Aborigines*, Vol. II, 115.

merely a judicious act of political justice or an assimilationist extension of civilization. In the 1830s both these things were pre-eminently an acts of atonement guided by the central of assumption of humanitarian history: the providence of God.

2. Howitt's popular history: Atonement and the savage imagination

Hodgkin's evidence before the select committee did not attempt to offer a history of aboriginal-British relations, but it does provide insight into two more complete histories that appeared in 1838; William Howitt's *Colonization and Christianity: A Popular History of the treatment of the Natives by the Europeans in all their Colonies*, and Saxe Bannister's *British Colonization and Coloured Tribes*.⁹⁷ Both these individuals were prominent members of the APS, and both works were enthusiastically promoted by the society.⁹⁸ These works forward 'humanitarian histories' that were reproduced, in part, in the reports of the APS. However, focussing on Howitt's and Bannister's histories enables the views of the APS to be considered in greater depth, over against the piecemeal APS annual reports, which, as the sole source material for an intellectual study, would produce a more fragmentary, superficial understanding.

It is notable that Howitt's and Bannister's works are absent from the bibliography of Sinclair's "The Aborigines Protection Society and New Zealand". Sinclair is more successful in providing a narrative of the APS's dealing with New Zealand than with analyzing its underlying ideas. To this extent he looks to personal correspondences and official reports of the society rather than more discursive, if less immediately relevant, humanitarian texts. While his research into the APS's official writings was detailed (Sinclair's visited and accessed Anti-Slavery libraries in London),⁹⁹ it does not, as I argued in chapter one, help Sinclair articulate the structure of humanitarian ideas in this

⁹⁷ William Howitt, *Colonization and Christianity: A Popular History of the treatment of the natives by the Europeans in all their Colonies* (London: Longman, Orme, Brown, Green, and Longmans, 1838). Saxe Bannister, *British Colonization and Coloured Tribes* (London: William Ball, 1838).

⁹⁸ For example, see *The Second Annual Report of the Aborigines Protection Society* (London: W. Ball, 1839) 20.

⁹⁹ Keith Sinclair, *Halfway Round the Harbour: An Autobiography* (Auckland: Penguin, 1993), 103.

period. My focus on these sort of histories differs from the argument made by a number of intellectual historians that 'stadial' or 'modal' histories of Enlightenment anthropology – the notion that humanity was a single family consisting of numerous nations or peoples at various stages of development – are primary in understanding aboriginal rights in this period.¹⁰⁰ While not wanting to detract from the importance of this argument, not enough attention has been given to a more general, popular sense of history, which, following the strategies of anti-slavery, was the primary textual instrument through which humanitarians contested and reconstructed cultural imagination. As will be elaborated in chapter four, these histories show many similarities with the more academic 'Liberal Anglican' histories.

William Howitt (1792-1879), though hardly representative of the Quaker mainstream, was one of the Society of Friends's most important literary figures in the Victorian period.¹⁰¹ Widely known for his poetry (with his wife Mary Howitt), he wrote many popular histories, was a prominent and prolific reviewer, and even founded his own literary journal (*Howitt's Journal of Literature and Popular Progress*).¹⁰² Howitt was a popular author who brought poetic and historical modes in a philosophically romantic, politically radical, and religiously nonconformist approach that was often highly polemical. As S. Austin Allibone's *Critical Dictionary of English Literature* (1859) put it; "in his earnestness to enlighten (as he supposes) the public mind he has at times treated some important themes with censurable levity and culpable irreverence, yet we cannot coincide with the reproof that the Reformer should not expose evils without at the same time providing for their extirpation."¹⁰³ Howitt's historical works included *Popular History of Priestcraft in all Ages and Nations* (1833), which led to his "association with active liberals of the day", *Pantika, or Traditions of the most Ancient Times* (2 vols, 183?), *Popular History of England* (1862), which was highly recommended by Lord Brougham and Dr. Robert Chalmers, and *The History of the Supernatural in all Ages and*

¹⁰⁰ See the references at footnote 2.

¹⁰¹ The article on "Quakers" in the 7th edition of the *Encyclopedia Britannica* was written by Howitt.

¹⁰² *Dictionary of National Biography*, 124-5.

¹⁰³ S. Austin Allibone, *A Critical Dictionary of English Literature and British American Authors, living and deceased, from the earliest accounts to the middle of the nineteenth century* (Philadelphia: Childs and Petersson, 1859), 908.

Nations (1863). Widely traveled, following an earlier journey through Victoria, New South Wales, and Tasmania, he wrote *The History of Discovery in Australia, Tasmania, and New Zealand* (1865), forwarding colonial opinions that were, according to *the Dictionary of National Biography*, “severely criticized”.¹⁰⁴ The political morality underpinning these histories can be ascertained in an 1836 review for *Tait’s Edinburgh Magazine* in which Howitt praised Dymond’s politics of conscience over against the doctrine of Expedience (“that great curse”), interpreting Dymond’s *Essays* as “Principles of Morality of the People called Quakers”.¹⁰⁵

Like his other histories, *Colonization and Christianity*, as its subtitle puts it ‘A Popular History of the treatment of the natives by the Europeans in all their Colonies’, was polemical and broad-ranging. However, with the exception of the *Athenæum*, it generally received good reviews.¹⁰⁶ The *London Monthly Review* proclaimed that “never has any other author discussed this subject so plainly and so philosophically”, *Tait’s Magazine* declared “we have no hesitation in pronouncing this the most important and valuable work that Mr. Howitt has produced”, while Allibone’s *Critical Dictionary of English Literature* rather optimistically claimed “the publication of this work led to the formation of the British India Society, and to improvements in the management of the colonies of Great Britain.”¹⁰⁷ Howitt’s stated aim was “to lay open to the public the most extensive and extraordinary system of crime which the world ever witnessed.”¹⁰⁸ While bemoaning slavery, and not entirely separating it from the destruction of indigenous societies, Howitt nevertheless argued that “the numbers of negroes in slavery are but a drop in the bucket compared to the numbers of the aborigines who are perishing beneath our iron and unchristian policy. The cause of the aborigines is the cause of three-fourths of the population of the globe. The evil done to them is the great and universal evil of the age, and is the deepest disgrace of Christendom.”¹⁰⁹

¹⁰⁴ DNB, 125.

¹⁰⁵ “Principles of Morality of the People called Quakers: Review of Dymond’s *Essays on the Private and Political Obligations of Mankind*”, *Tait’s Edinburgh Magazine*, xxxi, 1836, 429-439.

¹⁰⁶ See the *Athenæum*, 1838, 644-45.

¹⁰⁷ All these quotes cited in Allibone’s *Critical Dictionary of English Literature* (1859), 907.

¹⁰⁸ Howitt, *Colonization and Christianity*, i.

In the aftermath of emancipation, *Colonization and Christianity*, in the most emphatic language, attempted to insert the ‘aborigines cause’ as the new, urgent, and ultimate challenge for the humanitarian movement. Critically for the ‘humanitarian sense of history’, Howitt underlined the importance of his work by asserting that “the apathy which has hitherto existed in England upon this subject has proceeded in a great measure from want of knowledge.”¹¹⁰ While Howitt did not see his work as prescriptive – “it is no part of the present volume to suggest particular plans of remedy”¹¹¹ – he clearly believed no remedy will be viable without an understanding of the past treatment of indigenous peoples. In short, political will is closely related to the possession of historical knowledge, or, better, the right sort of historical knowledge.

Opening with a stinging critique of colonialism, Howitt looks to Christianity as the common culture by which the oppressors of indigenous peoples are to be identified and brought to account. Deeply entrenched binaries of Christian/barbarian, civilized/savage, are to be called into question by the history of aborigines’ sufferings;

Christianity has now been in the world upwards of ONE THOUSAND EIGHT HUNDRED YEARS. For more than a thousand years the European nations have arrogated to themselves the title of CHRISTIAN! some of their monarchs, those of MOST SACRED and MOST CHRISTIAN KINGS! We have long laid to our souls the flattering unction that we are a civilized and a Christian people. We talk of all other nations in all other quarters of the world, as savages, barbarians, uncivilized. We talk of the ravages of the Huns, the irruptions of the Goths; of the terrible desolations of Timour, or Zenghis Khan. We talk of Alaric and Attila, the sweeping carnage of Mahomet, or the cool cruelties of more modern Tippoos and Alies. We shudder at the war-cries of naked Indians, and the ghastly feasts of Cannibals;

¹⁰⁹ Ibid., 506-7.

¹¹⁰ Ibid.

¹¹¹ Ibid., i.

and bless our souls that we are redeemed from all these things, and made models of beneficence, and lights of God in the earth!¹¹²

Ranged alongside the objectionable outsiders of European history, the image of the aborigine Howitt takes issue with is clearly not that of the 'noble savage', but rather the 'irreclaimable and indomitable savage'.¹¹³ Howitt's strategy in *Colonization and Christianity* is to utilize and subvert this image of savagery so that Europeans are presented as exemplifying, in Andrew Sinclair's words, that "residual cruelty within human nature, however carefully cultivated."¹¹⁴ The book, therefore, begins with the massive internal contradictions in the identity of 'Christian Europe'. Howitt interprets the history of Europe as "wars, the most savage and unprovoked; oppressions, the most desperate; tyrannies, the most ruthless; massacres, the most horrible; death-fires, and tortures the most exquisite perpetuated on one another for the faith, and in the very name of God...".¹¹⁵ Savagery and barbarism are, then, immanent in the modern history and present condition of European 'civilization'.

In light of this historical record, the claim to Christianity and civilization is something that "every nation knows in its own soul" to be "a hollow pretence."¹¹⁶ The full extent of this hypocrisy, however, is only realized in encounter with the cultural other, with the external/overt 'savage';

But if such is the internal condition of Christian Europe, what is the phasis that it presents to the rest of the world? With the exception of our own tribes, now numerous scattered over almost every region of the earth, all are in our estimation barbarians. We pride ourselves on our superior knowledge, our superior refinement, our higher virtues, our nobler character. We talk of the heathen, the savage, and the cruel, and the wily tribes, that fill the rest of the

¹¹² Ibid., 1-2.

¹¹³ Ibid., 484.

¹¹⁴ Andrew Sinclair, *The Savage: a history of misunderstanding* (London: Weidenfeld and Nicolson, 1977), 2.

¹¹⁵ Howitt, 4.

¹¹⁶ Ibid., 3.

earth; but how is it that these tribes know *us*? Chiefly by the very features that we attribute exclusively to them. They know us chiefly by our crimes and our cruelty. It is we who are, and must appear to them the savages. What, indeed, are civilization and Christianity?¹¹⁷

With the colonial epoch, the history of Europe as the history of conquest becomes projected onto a global screen, while simultaneously using images of savagery and civilization to justify the dispossession of the aborigine.

This polemic propels Howitt into a panoramic history of colonial suffering. Beginning with 'The Discovery of the New World', the narrative tracks through seven chapters on early Spanish imperialism in the Americas, three on the Portuguese (in Brazil and India), one on the Dutch, one on the French, and finally thirteen chapters on English colonialism in India, America, South Africa, and 'New Holland and the Islands of the Pacific'. Though more weighted towards chronicling the horrors of English 'colonization', Howitt's approach is unusually broad, true to his definition of the 'aborigines cause' as 'the cause of three-fourths of the population of the globe'. Nevertheless, this universalism is justified patriotically (and eloquently); "We must not suffer ourselves to aim merely at the redress of this or that grievance; but, gathering all the scattered rays of aboriginal oppression into one burning focus, and thus enabling ourselves to feel its entire force, we shall be less than Englishmen and Christians if we do not stamp the whole system of colonial usage towards the natives, with that general and indignant odium which must demolish it at once and for ever."¹¹⁸ This blurring of the lines of identity and responsibility between Britain and Europe, designed to underline the political urgency of the aborigines protection movement, intensifies the rite of confession. Howitt goes beyond the parliamentary report that called for Britain to atone for national guilt. This global imaginal is a feature of Quaker humanitarians who "drew immense support from transatlantic religious networks".¹¹⁹ This also, however, expresses the ultimate

¹¹⁷ Ibid., 7.

¹¹⁸ Ibid., 10.

¹¹⁹ Porter, "Trusteeship, Anti-Slavery, and Humanitarianism", 202.

consequence of the politics of atonement; moving from confession to conversion to a missionary concern for the salvation of the world.

The logic of atonement threads through all the main sections of *Colonization and Christianity*. While swift in his condemnation of the Catholic nations, Howitt is not simply venting a British Protestant sectarianism. As Ter Ellingson has noted, Howitt “finds strong praise for Jesuit missionaries who treated Indians in humanitarian ways, and reserves his strongest condemnation for his own countrymen who did not.”¹²⁰ Indeed, while European states may be quite soulless in their behaviour towards indigenous peoples, “the spirit of Christianity” is not entirely extinguished. In Jesuit and evangelical garb, Christianity goes out to the world “in the teaching and beneficent acts of the missionaries..”¹²¹ In the nineteenth century there is hope “in the shape of missions...now sensibly, in many countries undoing the evil which wolves in the sheep’s clothing of the Christian name had before done. And of late another glorious symptom of the growth of this divine spirit has shown itself, in the strong feeling exhibited in this country towards the natives of our colonies.”¹²² In the politics of atonement, the missionaries and the APS humanitarians operate within the same evangelical worldview. The humanitarian image of the aborigine is thus closely related to the missionary ideal. That is, though Howitt sets about to rescue the ‘irreclaimable savage’, this does not mean humanitarians strove to present the aborigine as a ‘noble savage’. Though criticizing the hypocritical and savage imagination of the West, Howitt seeks to purify rather than overturn it.

Despite the grim historical record, in conclusion Howitt reinstates the twin imagery of Western civilization and aboriginal savagery via the redeeming presence of missionary Christianity.

But where the missionaries have been permitted to act for any length of time on the aboriginal tribes, what happy results have followed. The Savage had

¹²⁰ Ter Ellingson, *The Myth of the Noble Savage* (Berkeley: University of California Press, 2001), 224.

¹²¹ Howitt, 10.

¹²² Ibid.

become mild; he has conformed to the order and decorum of domestic life; he has shewn that all the virtues and affections which God has implanted in the human soul are not extinct in him...[and] he has become an effective member of the community, and his productions have taken their value in the general market...From the Jesuits in Paraguay to the missionaries in the South Seas, this has been the case. The idiocy of the man who has killed the goose that he might get the golden eggs, was wisdom compared to the folly of the European nations, in outraging and destroying the Indian races, instead of civilizing them.¹²³

Howitt's proximity to the missionary view seems to affirm the argument of Gunson that evangelical clergy in the Pacific were hostile to the image of the noble savage.¹²⁴ The domestication, indeed the pacification and creation, of the 'Pacific Islander', and the extinction of vices such as war, infanticide, human sacrifice, and indolence, are enthusiastically supported. Yet, contra the argument of Ellingson that the discourse of savage nobility only re-emerged in the later nineteenth century,¹²⁵ *Colonization and Christianity* provides evidence of a romanticism that has some 'noble savage' motifs, especially in association with the Pacific;

Where is the mind that has not dwelt in its young enthusiasm on the summer beauty of the Islands of the Pacific? That has not, from the day that Captain Cook first fell in with them, wandered in imagination with our voyagers and missionaries through their fairy scenes – been wafted in some magic bark over those blue and bright seas – been hailed to the sunny shore by hundreds of simple and rejoicing people – been led into the hut overhung with glorious tropical flowers, or seated beneath the palm and feasted on the pine and the

¹²³ Howitt, 504.

¹²⁴ Niel Gunson, *Messengers of Grace* (Melbourne: Oxford University Press, 1978), 96.

¹²⁵ In *The Myth of the Noble Savage* (2001), Ellingson argues that the supposed roots of the 'noble savage' in Rousseau and its prevalence in Enlightenment thought is quite spurious, unable to be supported with concrete reference to primary texts. Instead he argues the discourse of savage nobility was first invented in the seventeenth century by Marc Lescarbot as a concept in comparative law, but the humanist eighteenth century avoided it because of its feudal associations. According to Ellingson, the concept lay dormant

bread-fruit? These are the things which make part of the poetry of our memory and our youth. There is not a man of the slightest claims to the higher and better qualities of our nature to whom the existence of these oceanic regions of beauty has not been a subject of delightful thought, and a source of genial inspiration.¹²⁶

In attempting to ascertain the ways in which indigenous peoples were represented in the humanitarian and political imagination, Ter Ellingson's preoccupation with a 'discourse of nobility' is less helpful than, say, Andrew Sinclair's intellectual history/etymology of 'the savage', or Bernard McGrane's critical history of anthropology tracing the construction of 'The Other'.¹²⁷ As Howitt makes quite clear, the aborigine – pre-eminently the Polynesian – was present in the romantic imagination of the early nineteenth century, but a narrow focus on nobility will not uncover the complexity of this imagery. In nineteenth century humanitarianism, Africa and the Pacific were the major geographies of Victorian philanthropy.¹²⁸ Later in the century the APS would concentrate on Africa, but in its inception the Pacific Islands, and in particular the new colony of New Zealand, was more important to the APS (Africa, a primary concern of the parliamentary report, was for some years still the humanitarian territory of Buxton's African Civilization Society). Though humanitarians were doubtless influenced by the assumptions of stadial history – for example, the view that Maori and other Pacific Islanders society was further 'advanced' and thus would more easily convert their 'vagrant savagery' (hunter and pastoralist lifestyles) into sedentary civilization (as agriculture and in commercial society) – this sense of history was largely a secular

until its revival in the later nineteenth century by the racist anthropologist John Crawford, and generations of anthropologists having subsequently adopted it from Crawford (see Ellingson, xiii-xxi).

¹²⁶ Howitt, 477-8.

¹²⁷ Ellingson, *The Myth of the Noble Savage* (2001), xiii-xvi for an overview of Ellingson's approach focussing on 'nobility', Andrew Sinclair, *The Savage: a history of misunderstanding* (1977), 1-20, 129 for a self-description of his historical inquiry, Bernard McGrane, *Beyond Anthropology: Society and The Other* (New York: Columbia University Press, 1989), ix-x, 1-5, on the relevance of continental philosophy to anthropology.

¹²⁸ On Africa generally see Philip D. Curtin, *The Image of Africa: British Ideas and Action 1780-1850* (London: MacMillan, 1965), B.V. Street, *The Savage in Literature: representations of 'primitive' society in English fiction 1858-1920* (London: Routledge and Kegan Paul, 1975), Joseph Conrad, *Heart of Darkness* (Harmondsworth: Penguin, 1976 [orig. pub. 1902]), and Andrew Sinclair, *The Savage*, 80

imagination.¹²⁹ In an age of evangelical religion and social reform, the confessional history of atonement is more important in politicizing and structuring the 'aborigines cause' than the calculations of stadial anthropology. In other words, the complexity of the 'savage imagination' of early Victorian philanthropy should be firstly understood with reference to Quaker-influenced evangelical intellectual culture.

Both pessimistic and romantic visions of the Pacific Islander were important in humanitarian politics of aboriginal protection, and should not be sacrificed in search of the noble savage,¹³⁰ or in search of its denial (Ellingson). Containing both pessimistic and idealized imagery in his presentation of the aborigine, Howitt follows the conventional nineteenth century missionary ideal. The necessary contradictions of this image of the savage have been well explained by I.C. Campbell; "the early missionaries...did expect to find a people who could be brought close to the Evangelical ideal of piety, a puritan morality, hard labor and sombre pleasures by being shown the way...At the same time...the Polynesians, they thought, needed salvation not simply to the extent of opening their eyes to the gospel, but because they were sunk in depravity and wretchedness...".¹³¹ Howitt, however, goes beyond this conventional 'evangelicalism' by way of a literary sensibility; meaning, humanitarians were not philistines or stereotypes. They imagined the aborigine simultaneously in terms of the biblical story, the ethnographic data of Dieffenbach, the poetry of Byron, and the principles of Grotian natural law. There was, however, an underlying order to the humanitarian imagination. As I will argue in chapter four, evangelical, romantic, and enlightenment motifs are brought together in the reconstruction of the aborigine as a subject of Victorian philanthropy.

There is another important feature of humanitarian histories that the missionary worldview did not share, or privilege in the same way. Hodgkin's evidence realized what Clarkson's moral history pre-figured – the idealization of William Penn in Quaker-

¹²⁹ Howitt, 504, and see Moloney, "Savagery and Civilization", on stadial history and New Zealand.

¹³⁰ K.R. Howe, "The Fate of the 'Savage' in Pacific Historiography", *New Zealand Journal of History*, Vol. 11 No. 2, 1977, unhelpfully retains something of the purity of the noble savage myth.

humanitarian politics. In Howitt's *Colonization and Christianity*, Penn is given what even the missionaries are not: an entire chapter presenting Penn as exceptional in the otherwise grim history of European and indigenous interaction. Along with the missionaries, Penn 'proves the point' of Howitt's history; ultimately, to show that though the two have been generally disastrous for indigenous peoples, colonization and Christianity are by no means antithetical, are in fact the hope of redemption for aborigines and the means by which civilization is transmitted. Without Penn's example, however, the humanitarians would be left only with evidence that the reconciliation of both can be achieved in missionary communities alone (thus, the evidence of Coates, Ellis and Beecham that British settlers should be excluded from New Zealand, what Keith Sinclair referred to as their attempt to create a 'theocracy').¹³² The Quaker colony of Pennsylvania showed that – in theory, in *history* – Europeans and indigenes could co-exist justly and peacefully in a secular polity.

Howitt presents William Penn in highly idealized terms, and (ironically) as answer to the accusation of idealism;

But it may be said, it is one thing to sit at home in our study and write of Christian principles, and another to go out into new settlements amongst wild tribes, and maintain them; that is it is easy to condemn the conduct of others, but might not be so easy to govern our own temper, when assailed on all sides with signal dangers, and irritated with cruelties; that the Indians would not listen to persuasion; that they were faithless, vindictive beyond measure, and fonder of blood than of peace; that there was no possible mode of dealing with them but driving them out, or exterminating them. – Arise, William Penn, and give answer!¹³³

¹³¹ I.C. Campbell, "Savages Noble and Ignoble: The Preconceptions of Early European Voyagers in Polynesia", *Pacific Studies* Vol. IV No.1 1980.

¹³² Sinclair, "The Aborigines Protection Society", 5.

¹³³ Howitt, 356.

Indeed, the entire chapter on ‘The English in America – Settlement of Pennsylvania’, which relies much on Clarkson’s *Life of Penn*, is a tribute to William Penn. The iconography of the Penn’s peaceable kingdom as found in Hodgkin’s evidence – his ‘experiment of kindness and peace’, his biblical fidelity to New Testament ethics and the doctrine of human unity, his respect for native property rights, his special laws in favour of Indians, his famous treaty, and the Indians’ peaceful, receptive response – are praised in *Colonization and Christianity* and need not be further repeated in this chapter. What is important to observe is the way in which Howitt elevates Penn to almost Carlyle-ian hero status in history. Penn’s adherence to the Gospel meant that “the result was the most splendid triumph in history...There is no doubt that Penn may be declared the most perfect Christian statesman that ever lived.”¹³⁴ If William Penn is the hero of *Colonization and Christianity*, his elevation in the European history of cultural contact is off-set by the fall of its previous mythic founder-figure; Christopher Columbus.

For Howitt, Columbus’s harsh treatment by his ‘ungrateful nation’, and his life of ‘disasters, vexations, and mortifications’, is the providential result of his mistreatment of the Indians. Anticipating the destruction of aboriginal life in North America, when Columbus “butchered the naked Indians on their own soil, instead of resenting and redressing their injuries; from the hour that he set the fatal example of hunting them with dogs, of exacting painful labour and taxes, that he had no right to impose – from the moment he annihilated their ancient peace and liberty, the hand of God’s prosperity went from him.”¹³⁵ Not only Columbus, but this imagery of aboriginal oppression and death contrasts with the Indians of Pennsylvania; peaceful, healthy, maintaining and indeed venerating the principles of Penn’s treaty with them.

There are two features of the humanitarian idealization of Penn that express the logic of atonement. First, Penn is blessed, and Columbus vilified, in ‘the natural course of history’ as it were, as a direct result of Providence. The myth of Pennsylvania’s relative peace and prosperity was argued to be the direct result of its fidelity to Christian

¹³⁴ Ibid., 357, 361.

¹³⁵ Ibid., 224.

principles of political conduct. Invoking Providence to 'explain' Pennsylvania was a central part of Jonathan Dymond's demonstration of the practicability of pacifism, and now, in Howitt's history, becomes a 'proof' of the viability of a radical moralism in the politics of aboriginal relations. Not only was Providence, and not progress, the foundational assumption of 'Liberal Anglican' histories of this period, in the Christian schema, it ultimately receives its own 'proof' from the life of Christ. While later nineteenth century British Christianity came to see the incarnation as the defining meaning of the Christ-event, in the (evangelical) early-nineteenth century the atonement was doctrinally pre-eminent, seen as the ultimate manifestation of Providence in history.¹³⁶ Any subsequent *acts* of Providence could be understood primarily as redemptive interventions in a fallen world. Second, closely related to the first, recalling the mythos of the Christian Atonement helps to understand the *exemplary* nature of humanitarian history. Not merely the notion of certain historical knowledge as morally and spiritually salvific, but founding the structure of redemption in terms of an individual *exemplar* figure intervening in sinful, human history.

Biblical allusion, implicit and explicit, accounts for the richness and potency of Pennsylvania in the humanitarian sense of history. Penn's 'Holy Experiment' in *Christianity and Colonization* is messianic. That is, it is an historical recollection that is nevertheless fundamentally forward-looking – 'utopian', or, better, eschatological. It both recalls and anticipates a golden age of peaceful co-existence, of the colony of Pennsylvania and the future commonwealth of Isaiah's Peaceable Kingdom. There the descendents of another exemplar figure, David, are promised that a new king will arise;

The spirit of the Lord shall rest on him, the spirit of wisdom and understanding, the spirit of counsel and might, the spirit of knowledge and the fear of the Lord. His delight shall be in the fear of the Lord. He shall not judge by what his eyes see, or decide by what his ears hear; but with

¹³⁶ See Hilton, *The Age of Atonement*, 255-339 on incarnational Christianity and social thought.

righteousness he shall judge the poor, and decide with equity for the meek of the earth...¹³⁷

This sense of the prophetic conditioned humanitarian politics so that in formulating aboriginal policy it could embrace the tensions of history. In other words, it would be possible to centralize in its worldview what Davis identified as rituals of death and rebirth, and what Paul Tillich termed the 'already' and 'not yet' of linear history. It was this sense of the impossible possible that missionaries brought to the depravity of the savage, and the somewhat more romantic humanitarians brought to the past and present condition of aboriginal extermination as a result of European Christianity and colonization. An internal sense of the paradoxical enabled William Howitt – and the APS generally – to treat the present with grave pessimism and progressive optimism. Howitt could, therefore, conclude his history signaling both the degeneration and regeneration of empire;

It is often said as a very pretty speech – that the sun never sets on the dominions of our youthful Queen; but who dares to tell us the far more horrible truth, that it never sets on the scenes of our injustice and oppressions! When we have taken a solemn review of the astounding transactions recorded in this volume, and then add to them the crimes against humanity committed in the slave-trade and slavery, the account of our enormities is complete; and there is no sum of wickedness and bloodshed – however vast, however monstrous, however enduring it may be – which can be pointed out, from the first hour of creation, to be compared for a moment with it....The evil done to them is the great and universal evil of the age, and it is the deepest disgrace of Christendom. It is, therefore, with pleasure that I have seen the “ABORIGINES’ PROTECTION SOCIETY” raise its head amongst the many noble societies...Such a society must become one of the most active and powerful agents of universal justice...The noblest spectacle in the world is

¹³⁷ Isaiah 11:2-4, *The New Oxford Annotated Bible with Apocryphal/Deuterocanonical Books: New Revised Standard Version*, Bruce M. Metzger and Roland E. Murphy (eds.) (New York Oxford University Press, 1991), 881.

that constellation of institutions which have sprung out of this spirit of Christianity in this nation, and which are continually labouring to redress wrongs and diffuse knowledge and happiness wherever the human family extends. The ages of dreadful inflictions, and the present condition of native tribes in our vast possessions, once known, it were libel on the honour and faith of the nation to doubt for a moment that a new era of colonization with unlettered nations has commenced...¹³⁸

3. Bannister's colonial history: The ideal and the actual

Along with Thomas Hodgkin, Saxe Bannister (1790-1877) was the other main early advocate for aboriginal welfare. Although well acquainted with Quakers in England and North America, Bannister was not a member of the Society of Friends. He thus attended Oxford University at a time (1825) when dissenters were banned. Further, unlike Howitt, he did not share the peace ethic of radical nonconformity.¹³⁹ Though more patriotic and socially mainstream than many other members of the aborigines protection movement, Bannister was a controversial figure. His condemnation of the transport system and advocacy for aboriginal interests as attorney-general for New South Wales, from 1823-1826, distanced him from settlers. Close associations with many unpopular ecclesiastical men did not help his cause, and Bannister was removed from office in 1826 over a wage dispute.¹⁴⁰ Bannister was a prominent early member of the APS and brought with him important colonial and legal expertise. As a writer he published books on *The Judgements of Sir Orlando Bridgman, Chief Justice of the Commons Pleas in 1667* (1823), the laws of the Cape of Good Hope, the Constitution and laws of the United States, and other miscellaneous topics. According to C.H. Currey, "they were the

¹³⁸ Howitt, 501, 507-8

¹³⁹ Bannister had military experience, and enthusiastically volunteered and raised a company on Napoleon's return from Elba (though he never saw active service). In Australia Bannister also became involved in a duel after condemning a settler's practice of flogging his servants (see the entry in the *Dictionary of National Biography* 1062-3.). Of course, both war and dueling were roundly condemned and avoided by Quakers.

¹⁴⁰ See the *Australian Dictionary of Biography*, 55-6.

writings of a scholar, steeped in British colonial history and able to express himself clearly and interestingly.”¹⁴¹

As with Hodgkin, Bannister looked to seventeenth century America for a context and answers to the present crisis of aboriginal mistreatment. He published an early pamphlet entitled *Defence of the Indians of North America* (1822), and in the late 1820s and 1830s gained much experience and knowledge of colonial realities in Australia and South Africa. On the basis of this mix of humanitarian commitment, legal history, and colonial experience, Bannister wrote a book in 1830 called *Humane Policy; or Justice to the Aborigines of New Settlements essential to a due expenditure of British money, and to the best interests of the settlers, with suggestions how to civilise the natives by an improved administration or existing means*.¹⁴² The book’s subtitle, then, provides a more extensive explanation of its contents than can be offered here. *Humane Policy* was a sketchy though important early attempt to develop a theory of ‘humane colonization’, offering a programmatic approach that found its way into later APS initiatives. My interest here, though, is in Bannister’s *British Colonization and Coloured Tribes* (1838),¹⁴³ the intent of which was to develop suggestions for a reformed colonial system while adhering to the format of a conventional historical text.

As the contrast between poet and lawyer suggests, Bannister’s approach is narrower, tighter, more policy-focused than Howitt’s graphic style. While being explicitly concerned with British colonization, he nevertheless discusses European colonial history and religion insofar as it is pertinent to the aboriginal question. The historical survey begins rather optimistically with the ‘Dawning of Public Opinion’ and Principles of Universal Peace’ as proposed by Edward the Sixth in the sixteenth century.¹⁴⁴ The book then discusses some humane individuals during the reigns of Elizabeth, James, and Charles the First, but shows that these were marginal figures during periods of ‘great

¹⁴¹ Ibid., 56.

¹⁴² Saxe Bannister, *Humane Policy; or Justice to the Aborigines of New Settlements essential to a due expenditure of British money, and to the best interests of the settlers, with suggestions how to civilise the natives by an improved administration or existing means* (London: 1930)[Reprinted – London: Dawsons, 1968].

¹⁴³ Saxe Bannister, *British Colonization and Coloured Tribes* (London: William Ball, 1838).

¹⁴⁴ Ibid., chapters II-III.

colonial enterprise, enormous colonial losses, and frightful aboriginal suffering'.¹⁴⁵ There are some bright lights in chapters on Protestant Missionary efforts and William Penn, but otherwise a cruel and wasteful colonial system continued for centuries and down to the present day. Though Bannister follows the humanitarian scheme in finding the missionaries and Penn to be exceptional, in contrast to Howitt he does not idealize Penn.

In his chapter on Pennsylvania Bannister praises the critical intervention of Quakers to achieve peace and reconciliation between settlers and Indians, and notes that these activities have "been passed in total silence by the best historians", but censures Penn for not developing his noble principles into more lasting institutions of justice and cultural improvement.¹⁴⁶ Bannister's position, in short, is that "The Friends, or Quakers, have been completely successful in conciliating the wildest savages, but they have failed to civilize them."¹⁴⁷ Of course, this was a position even a committed Quaker and ardent follower of William Penn such as Thomas Hodgkin agreed with. Following Hodgkin's call for a more 'positive' system than Penn's ideal achieved, Bannister recognizes the exceptional treatment and success achieved in Pennsylvania where Penn followed the even earlier example of Quakers in New Jersey, then "carried them farther, although not far enough...".¹⁴⁸ Bannister's list of insufficiencies included; the failure of Quakers to provide appropriate institutions of criminal justice, an inadequate definition of rights, the lack of specific plans to involve Indians in government, and an overall failure to provide educative institutions through which the Indians could be civilized.¹⁴⁹

In the conclusion of *British Colonization and Coloured Tribes*, Bannister departs from the format of conventional history and provides a list of suggestions for a 'new [colonial] system'. This retains many important aspects of Penn's ideal, most importantly the principled recognition of aboriginal peoples as legitimate treaty partners and with rights of sovereignty under the law of nations, but also support for written treaties to be reproduced in native languages, making provisions for the study of native languages, the

¹⁴⁵ Ibid., Buxton's 'Introduction', v.

¹⁴⁶ Ibid., 86, 75-97.

¹⁴⁷ Ibid., 75.

¹⁴⁸ Ibid.

and special laws for indigenes in new colonies. To this Bannister adds many familiar instruments and proposals of the APS including the vigorous protection (not just recognition) of native land, the publicization of information on the present condition of aborigines and their relationship with settlers, support for the federal union of disparate tribes (New Zealand is the specific focus throughout), the full legal incorporation of aborigines (equality of rights including allowing natives to take appeals to the privy council), specific suggestions for punitive laws against criminal settlers, instruments of imperial intelligence and protection such as naval governors in the south seas, protectors, commissioners, political agencies, and institutions for socio-economic assimilation (colonial schools, a England based 'college for aborigines', and trade initiatives).¹⁵⁰

Contradicting Keith Sinclair's argument that the APS lacked specific proposals,¹⁵¹ Bannister shows that the humanitarians had a very specific programme for aboriginal protection and cultural improvement, and one that they would reproduce and further specify in the 1840s in terms of the 'New Zealand question'.¹⁵² Further, noting his comments regarding 'Penn's plan', writers such as Saxe Bannister demonstrate a willingness to criticize exemplary figures and places in order to develop a more concrete aboriginal rights programme with purchase in the present world of colonial policy. Indeed many current intellectual historians might consider Bannister's writings to be more important than Howitt's, given the former's sense of engagement with political realities. That I have not chosen to follow such a path indicates my preference to emphasize often misunderstood and ignored elements of the nineteenth century indigenous rights movement over against the secular legalism of many of its historians. The secularism of Sinclair's nationalistic history, which I critiqued in the first chapter on the historiography of the APS, has been followed by more recent historians of indigenous

¹⁴⁹ Ibid., 76-85, 95-6.

¹⁵⁰ Ibid., 270-298.

¹⁵¹ Sinclair states that the APS "had no clear, common ideas about the steps which would be necessary to attain their objective." Sinclair, "The Aborigines Protection Society and New Zealand", 4.

¹⁵² See, for example, Standish Motte, *Outline of a System of Legislation...* (London: John Murray, 1840), APS, "On the best mode of organizing the population (Aborigines) of New Zealand, so as to advance their progress in civilization", London 1944, (Victoria University Library, Call no. n. Fildes 54, Beaglehole Room, Rarebook), APS, *On the British Colonization of New Zealand* (London: Smith and Elder, 1846).

rights in nineteenth century New Zealand.¹⁵³ Most of these scholars are lawyers or legal historians with little interest in religion or appreciation of its place in intellectual culture.¹⁵⁴ With such an approach 'humanitarianism' and 'philanthropy' will always end up looking, as Mark Hickford put it, 'nebulous' and 'amorphous'.¹⁵⁵

In understanding the humanitarian worldview Bannister is less nebulous but Howitt is more insightful, precisely because the latter has a more lively sense of the prophetic and imaginary, which is to say, *the possible*. When 'the ideal', in this case Penn and his colony, is interrogated in terms of 'political actuality', which is one way of looking at Bannister's strategy, it will always seem insufficient. Those who make this as a contemporary criticism of Howitt's history, or indeed my emphasis on a humanitarian 'sense of history' or 'political imagination' (that it lacks 'reality', is 'analytically insufficient', 'conceptually fuzzy' etc.), have really misunderstood the nature and purpose of 'the ideal' in the world. Put it another way, they have no sense of the importance of envisioning politics in terms of ideals, of an 'ideal world', no appreciation of *the utopian*, or, better, *the eschatological*, in *the political*. Or when the utopian is canvassed, it is predominantly a secular vision.¹⁵⁶ While this might be appropriate for some aspects for the nineteenth century, it is not an illuminating approach for understanding the humanitarianism underpinning what Buxton called 'the *Great Colonial and Aboriginal Movement*'.¹⁵⁷

Of course Bannister's criticisms of Penn and his suggestions for an improved colonial system can be 'read' another way. Bannister and Hodgkin's criticisms of the Peaceable Kingdom of Pennsylvania can be seen as further refining the APS humanitarian ideal.

¹⁵³ For example: F.M. Brookfield, *Waitangi and Indigenous Rights: Revolution, Law, and Legitimation* (Auckland: Auckland University Press, 1999), Mark Hickford, op. cit. Paul McHugh, *The Maori Magna Carta: New Zealand law and the Treaty of Waitangi* (Auckland: Oxford University Press, 1991), Frederika Hackshaw, "Nineteenth century notions of aboriginal title and their influence on the interpretation of the Treaty of Waitangi", in Ian H. Kawharu (ed.) *Waitangi: Maori and Pakeha perspectives of the Treaty of Waitangi* (Auckland: Oxford University Press, 1989),

¹⁵⁴ Brookfield, for example, discusses nineteenth century religion in brief and crude terms, mainly associating it with the missionaries exclusively (an old precedent of New Zealand history). Brookfield, 69, 140-1.

¹⁵⁵ Hickford, abstract, 6.

¹⁵⁶ See Jonathan Lamb, "The Idea of Utopia in the European Settlement of New Zealand", in Klaus Neumann, Nicholas Thomas, and Hilary Ericksen (eds.), *Quicksands: Foundational histories in Australia and Aotearoa New Zealand* (Sydney: University of New South Wales Press, 1999).

Penn is charged not with being ‘unreal’ – both Bannister and Hodgkin do not deny his exemplary treatment and urge that it be studied and imitated – but with failing to go ‘far enough’. That is, “their equality of rights should be admitted; and their ultimate *amalgamation* with us aimed at.”¹⁵⁸ Bannister’s specific suggestions are held together by a vision, by an ideal of natural rights and civilization existing in an future colonial society. Writing in 1838, this ideal society is imagined to be the possible future colony of New Zealand.¹⁵⁹

The structure of atonement and the pattern of history

This discussion of ‘the ideal’ in humanitarian history is an important deviation from the general theme of this chapter. Emphasizing the place of ‘the imaginary’ in politics gestures to the implicit method of this thesis, but also provides a concrete justification for the trope of atonement in understanding the rationality of ‘the humanitarian impulse’. With regard to historical writings produced in the late 1830s, ‘atonement’ calls attention to the way in which these histories (and politics) chronicled a history of aboriginal suffering and European guilt in terms of an act of confession; the initial step in the evangelical schema of redemption. The confession of moral evil then leads to conversion, to a re-dedication to the individual or nation to the Christian faith. Indeed all humanitarian politics and history called for this; be it explicitly in open statements demanding as much, or subtly in the construction of historical narratives in which missionary and Quaker religion are the redeeming ‘spirit of Christianity’ in an otherwise sinful, genocidal world.

The exemplary motif of this history – highly developed in the idealization of Penn – further resonated with the shape of Christian Atonement, centering around a morally exceptional, exemplar figure. Confession and conversion ultimately have the practical intent of individual and social regeneration. This is the aim of humanitarian histories; to

¹⁵⁷ Buxton’s introduction in Bannister, *British Colonization and Coloured Tribes*, vii. Emphasis original.

¹⁵⁸ Bannister, 274.

¹⁵⁹ *Ibid.*, see chapter XVI generally, and the book’s ‘Postscript’ of latest developments in terms of a possible colonization of New Zealand.

reform British colonialism so that it treats indigenous people more justly, fairly, peacefully, in a more 'humane and Christian' fashion, and so that indigenes are incorporated into Christianity and civilization. But grace is not cheap. The British public must first be sufficiently convinced of the enormity of the crime, of the urgency of the cause and the depth of national guilt. That is why I have principally linked these histories with the first, critical step in the scheme of atonement. Both conversion and regeneration are dependent upon the authenticity and prior act of confession.

The authenticity of confession is symbolized by being *publicly* declared, performed, ritualized. For mid-nineteenth century humanitarians, one of the principal media through which this public act of national confession is enacted was that of history. Further, the nature of the sin, to a large extent, determined the form of the knowledge in which the rite of confession became manifest. In other words, the full record of aboriginal sufferings could only be fully conveyed in the medium of history. It is not an accidental feature of pro-aborigines humanitarianism that such histories appear from its inception, as history was foundational to the casting of humanitarian thought. British history was re-cast so as to make its crimes and sins central to the life of the nation. The humanitarian history of aboriginal sufferings was not defeatist but a theodicy; a justification for the righteousness of God and the righteousness of the new 'Great Colonial and Aboriginal Movement' in the face of widespread moral evil. Unlike other many evangelical fellows, Quakers emphasized the Providence of God not in his punitive capacities, but in his *protective* role. Quaker humanitarians hoped that if the colonial system was converted to Christian principles, God would protect the aborigines as surely as history showed he had protected the British and Indian settlers of Pennsylvania.

In the 1830s humanitarian writers such as William Howitt, Saxe Bannister, and Thomas Hodgkin observed patterns of decay, death, hope and rebirth in human history, and intuited the current climate of moral concern for indigenous peoples as atonement for the wrongs of history. This is history as construed in retrospective and prospective dimensions, and, more theologically, in terms of 'chronos' and 'kairos'; in full eschatological depth of meaning. History, that is, as the *chronicle* of aboriginal extermination, of European oppression and moral evil, and as a *breaking in* to underline

the current colonial crisis and need for conversion, and to augur emerging humanitarian concern as the future redemption of civilization and savagery in its British and aboriginal forms.

4. The regeneration of the savage

Have there been two such
as Gilgamesh and Enkidu
who released our first imagination
to map the new interior spaces we still
scribble on the backs of envelopes, of lives?

The Trapper is sent out...
to civilize Enkidu – net him
to quell Gilgamesh

- Derrek Hines, *Gilgamesh* (2002)

This chapter consolidates the connection between history and the aborigines protection movement made in chapter three. It notes similarities between the Liberal Anglican idea of history and the humanitarian sense of it, and highlights the evangelical and romanticist principles underpinning both. The importance of imagination and the ‘spirit of the nation’ in history, and the practicality and Providence of history, as espoused by the Liberal Anglicans, are showed to characterize the humanitarian history and politics of atonement. Moreover, what Duncan Forbes identified as the Liberal Anglican ‘crisis of civilization’ in early Victorian England is central to humanitarianism in this period. The majority of this chapter is devoted to discussing the crisis of civilization in mid-nineteenth century humanitarian thought, which centred around an encounter between civilization and savagery in the past and present history of colonial and aboriginal relations. Like the Liberal Anglicans, the humanitarians’ response was to make Christianity the mark of true civilization. This provided both a critique of colonialism and a standard by which to reform and redeem it.

‘Confession’ had brought the humanitarians to a crisis of civilization in both national and international society. Humanitarians tried to solve this problem, on which the fate of the aborigines’ cause depended, by looking to the regeneration of ‘the savage’ in aboriginal culture and within British society. In line with both evangelicalism and the influence of romanticism, humanitarians attempted to ‘win the national conscience’, through a sympathetic appeal to ‘public opinion’, by reconstructing the aborigine as a subject of

Victorian philanthropy, and protecting and improving indigenous peoples through their assimilation into the community of citizens.¹

The Liberal Anglican idea of history and humanitarianism

The emergence of a humanitarian 'sense' of history (that is, of the full depths of meaning in past and present time), at roughly the same time as Duncan Forbes traced the contours of a 'Liberal Anglican idea of history', invites comparison and contrast. Of course, initially the differences are most striking. Thomas Arnold's *Introductory Lectures on Modern History* (1842), or H.H. Milman's *History of Christianity* (1840), for example, were pedagogical and ecclesiastical history, of a different quality to Howitt's popular histories or Bannister's narratives of colonial affairs. The Liberal Anglicans were formally academic, central and important members in the religious and educational establishment, produced scholarship that extends from the late 1820s to the early 1860s and can be grouped together in what John Mill called the 'Germano-Coleridgean' school.² Historians such as A.P. Stanley, J.C. Hare, Richard Whately, Milman, and Thomas Arnold, developed a philosophy and formal science of history, and a rigorous historiographical self-consciousness.³ These features were not explicitly possessed by humanitarian historians such as Howitt, Bannister and Thomas Clarkson, essayists such like Jonathan Dymond, ethnologists such as Thomas Hodgkin, and natural lawyers such as L.A. Chamerovzow, most of whom were nonconformists or evangelicals simultaneously involved in other trades or political commitments. Nevertheless, there was, in nineteenth century humanitarianism, an intellectual and literary subculture in which the reconstruction of historical narrative, however meagre in comparison to the output of the Liberal Anglicans, played a pivotal role.

¹ 'Winning the national conscience' is a strategy that James Walvin has previously noted in anti-slavery literature. James Walvin, "The Propaganda of Anti-Slavery", in James Walvin (ed.) *Slavery and British Society 1776-1846* (London: MacMillan, 1982) 63-68.

² Forbes, *The Liberal Anglican Idea of History*, (Cambridge: Cambridge University Press, 1952) I, *passim*.

³ *Ibid.*, see 39-87.

According to Forbes, the Liberal Anglican historians are distinguished from eighteenth century rationalists and their nineteenth century utilitarian successors by a romantic philosophy of mind. Against the rationalist view of history as the accumulation of hard facts, progress as the 'March of Mind', and civilization as material development, the Liberal Anglicans, via their reading of German philosophers such as Lessing, Kant, Hegel and Herder, and historians such as Barthold Georg Niebuhr, espoused a philosophy in which spirit, imagination, and the life of the nation were central.⁴ However, they did not see history as determined by the progression of ideas or allow a radical idealism to abolish the individual. Thomas Arnold, for example, "thought that the idealist principle, when fully developed was contrary to the very essence of Christianity...".⁵

The Liberal Anglican romanticism was tempered by what Forbes called their "latent evangelicalism...[and] as a result of it, they insisted on the ultimate agency of the will of the individual."⁶ Although not individualists, and generally supporting a more organic theory of the state, in the nineteenth century "breakdown of community it was the salvation of the individual soul that was all-important."⁷ This 'latent evangelicalism' was an important qualification for humanitarians, and not just explicitly. As Georg Iggers has observed, the nineteenth century 'German conception of history' above all rejected the notion of 'natural law' as antithetical to a radically historical outlook. However, although "historicism liberated modern thought from the two-thousand year domination of the theory of natural law", Iggers also recognized that "Western thought...nevertheless continued to be committed to natural law patterns of thought into the nineteenth and

⁴ Ibid., vii, 2-3, 12-20, 64-5, 126-144. On comparisons with German thought, Georg Iggers has detailed the emergence of a systematic, "'German' idea of history" in the nineteenth century. This, like the Liberal Anglicans, drew on Vico in its critique of enlightenment rationalism, and its development of an idealist conception of the nation-state. Further, the historical methods of Niebuhr, which were so important to the Liberal Anglicans, influenced historians such as Leopold von Ranke who laid the foundations for a radical historicism [See Georg Iggers, *The German Conception of History: The National Tradition of Historical Thought from Herder to the Present* (Middletown, Connecticut: Wesleyan University Press, revised edition 1983), 11, 3-30, 65-66. The Liberal Anglicans however, never went as far as the German historicists in their critique of Enlightenment universalism. As Forbes argues, there is a 'latent evangelicalism' in the Liberal Anglican idea history that tempered its historicism and idealism [see Forbes, 131].

⁵ Forbes, 131.

⁶ Ibid.

⁷ Ibid.

twentieth centuries.”⁸ Certainly, mid-nineteenth century humanitarians made their own appeals to the past, adapting an historicist trend that can be seen in nineteenth-century British political thinkers from Burke to Macaulay and Acton. However, this historicism was blended in creative tension with an evangelical, liberal commitment to natural law and the ‘rights of man’; that is, to universal moral principles overarching the conduct of states.

Mixing romantic and evangelical principles, the Liberal Anglican idea of history was a philosophical position that encompassed the thought of many leading humanitarian figures. While holding on to more eighteenth century traditions than the Liberal Anglicans, Jonathan Dymond’s politics, for example, above all opposed utilitarianism and outlined a form of Christian communitarianism in which individual conscience and redemption were nevertheless paramount. More significantly, Howitt’s *Colonization and Christianity* was thoroughly structured by a *manifest* evangelical approach to history, but also showed strong romanticist influences. Indeed, Howitt was well-acquainted with Germany, and moved to Heidelberg in 1840 for the benefit of his children’s education. In 1842 he published *Rural and Domestic Life of Germany*, according to the *Allgemeine Zeitung* the most accurate account of Germany written by a foreigner, while *Jügel’s Universal Magazine* declared “this author, who has become so celebrated and appreciated from many of his works, has given us...an extremely interesting description of Life in Germany, as well as an accurate account of the manners and customs of this country”, though the British *Athenæum* stated that “Mr. Howitt is too fond of stating impression as general truths.”⁹ Other works included *German Experiences* (1844), and *Literature and Romance of Northern Europe* (1852) which collected histories, romances, legends, dramas, and ballads of Scandinavian literature, and was described in 1859 as “the only complete [work] of the kind in English language.”¹⁰ Howitt published many German translations including Dr. Cornelius’s *The Student Life of Germany* (1841) which was, again, praised in Germany but highly criticized in England, Peter Schlemihl’s

⁸ Iggers, 5-6.

⁹ *Dictionary of National Biography*, 124-5. S.A. Allibone, *A Critical Dictionary of English Literature, and British and American authors, living and deceased, from the earliest accounts to the middle of the nineteenth century* (Philadelphia: Childs and Peterson, 1859), 907.

Wundersame Geschichte or 'Wonderful Tales' (1843), P.D. Holhaus' *The Wanderings of the Journeyman Tailor* (1844), and Dr. Joseph Ennemoser's *Universal History of Magic* (1854), translated while on a voyage to Australia.¹¹ Given Howitt's proficiency in German, his knowledge of Northern European literatures (and in particular folk tales and romances), and his general religious and political convictions, it is not surprising that *Colonization and Christianity* conforms to the new Liberal Anglican approach to history, which, via its critical reading of German philosophy and history, emphasized the importance of imagination in the study of history.

Reacting against the dry abstractions of rationalist history, A.B. Stanley, for example, took a romantic approach to biblical history; "bringing the Bible to life by the power of...historical sympathy and pictorial imagination...".¹² On the histories of Milman, Forbes noted "one does not go to Milman...for the history of dogma and doctrine. What one gets in both historians is rather the climate of opinion, the living atmosphere...".¹³ This strategy is explicit through *Colonization and Christianity* which, less impartially than Liberal Anglican histories, sought to bring the sufferings of aborigines and crimes of Europeans alive through a sustained and dramatic appeal to image and imagination. This appeal could be seductive ('Where is the mind that has not dwelt in its young enthusiasm on the summer beauty of the Islands of the Pacific? That has not, from the day that Captain Cook first fell in with them, wandered in imagination with our voyagers and missionaries through their fairy scenes...'), or full of invective ('We talk of the heathen, the savage, and the cruel, and the wily tribes, that fill the rest of the earth; but how is it that these tribes know us? Chiefly by the very features that we attribute exclusively to them. They know us chiefly by our crimes and our cruelty. It is we who are, and must appear to them the savages.').¹⁴ Throughout *Colonization and Christianity*, Howitt's historical rhetoric was designed, in Carlyle's description of the German writer Ludwig

¹⁰ Allibone, 907.

¹¹ Ibid., 907-8.

¹² Forbes, 2-3.

¹³ Ibid., 3.

¹⁴ William Howitt, *Colonization and Christianity: A Popular History of the treatment of the natives by the Europeans in all their Colonies* (London: Longman, Orme, Brown, Green, and Longmans, 1838) 477-8, 7.

Tieck, “to penetrate into the innermost shrines of Imagination”.¹⁵ This is not to say that Howitt’s was a ‘poetical history’ of the sort Arnold condemned; “The pictures thus produced, were striking and beautiful indeed, but nothing practical could be learned from them since they displayed a world as unreal as the fantastic creations of romance.”¹⁶ Howitt attempted ‘to penetrate the innermost shrines of Imagination’ in order to morally transform and redeem it – to inculcate amongst the general public sympathy for humans distant in time, space, and culture. This contestation of the imagination was perhaps the most basic and fundamental challenge in the development of indigenous rights in the nineteenth century. As Fox-Bourne reflected in 1899; “One of the difficulties with which the [Aborigines Protection] Society has always been confronted, indeed, in its efforts to arouse public interest necessary to the advancement of its objects, arises from the fact that in many cases so few have accurate knowledge about the people with embarrassing names on whose behalf it appeals, or about the places, with names as embarrassing, in which they live.”¹⁷

Humanitarian histories, in the tradition of anti-slavery, adopted the genre of ‘popular history’ to appeal to the *public opinion*.¹⁸ While the Liberal Anglicans did not write such histories, in keeping with their romantic philosophy of history they advocated history move beyond the recollection of events, dates, and facts, and capture “the prevailing tone of opinion and feeling” in the mind of the nation, or what Coleridge called “the predominant state of public opinion.”¹⁹ This was an explicit feature of Bannister’s colonial history, which, in the early phase of colonization, saw “the dawning of public opinion” as fundamental and prior to subsequent governmental developments (Edward the Sixth’s ‘principles of universal peace’).²⁰ An idealist-organicist conception of the *nation in history* – as not just a random aggregate of individuals or determined by great

¹⁵ Quoted In Forbes, 2.

¹⁶ Thomas Arnold, *Quarterly Review*, Vol. 32, 77-8, quoted in Forbes, 9.

¹⁷ Fox-Bourne, *The Aborigines Protection Society: Chapters in its history* (London: P.S. King, 1899) 1.

¹⁸ On public opinion Drescher notes that “abolitionism institutionalised...a shared activity, a shared vision of the future and, ultimately, a myth of national achievement with more than a grain of truth.” Seymour Drescher, “Public Opinion and the Destruction of British Colonial Slavery”, in James Walvin (ed.) *Slavery and British Society 1776-1846* (London: MacMillan, 1982) 48.

¹⁹ Thomas Arnold, *Introductory Lectures on Modern History* (Oxford, 1842), 86-7, Coleridge, *Statesman’s Manual*, 16. Both quoted in Forbes, 129-30.

²⁰ Bannister, *British Colonization and Coloured Tribes* (London: William Ball, 1838), see chapters III, VI.

individuals, but as a purposeful and evolving social unity – as present in the Liberal Anglican idea of history, provided its advocates with a political orientation in the present. As Forbes argues;

...the history of history cannot separate past and present, and it is especially true of the Liberal Anglicans that their attitude to contemporary problems is a clue to their historical thought. Arnold said of his anxiety about the state of the nation: 'Perhaps it comes from my fondness for History, that political things have as great a reality for my mind, as things of private life, and the life of the nation becomes distinct as that of an individual.' The study of the past intensified Arnold's awareness of the present, and vice versa.²¹

The proximity of past and present, realized in an idealist approach to history and politics, was the justification for both Howitt's and Bannister's histories. In Bannister's words, "by examining what, in time past, governments and the teachers of religion, and the courts of law have done; by studying what able writers have thought; by scrutinizing the conduct of traders, of maritime adventurers, explorers, and colonists...and by ascertaining the state of public opinion on the whole subject, a way will be opened to a future policy for the most part unexceptionable."²² Similarly, Howitt's stated aim of history was "to lay open to the public the most extensive and extraordinary system of crime which the world ever witnessed."²³ More generally, humanitarianism (anti-slavery and aborigines protection) looked to history to understand the full enormity of the colonial oppressions of the nineteenth century, and this sense of the moral past furthered the urgency of justice in the present. Finally, humanitarianism envisaged political improvement as possible and sustainable only through the conversion and regeneration of the public, of 'national conscience', rather than the benevolent actions of a few individuals.

²¹ Forbes, 5.

²² Bannister, 14-15.

²³ Howitt, i.

“The fundamental object” of the APS – “To assist in protecting the defenceless, and promoting the advancement of Uncivilized Tribes” – thus required the APS “to communicate in cheap publications, those details which may excite the interest of all classes, and thus ensure the extension of correct opinions.”²⁴ Both Howitt and Bannister were explicit that ‘public opinion’ is the fundamental means by which aborigines in British colonies can be protected and improved. Bannister argued that “ignorance of the facts, on the part of the public, is not only a fatal obstacle to the improvement of the aborigines, but also to their getting justice; for on the state of *public opinion* mainly depends the views of government, the character of parliamentary measures, and the conduct of public officers in affairs which concern the native tribes.”²⁵ His history thus aimed to show “what the real spirit of the British public has been at different periods in reference to protecting – civilizing – evangelizing the coloured races with whom we have communicated during the last four centuries. That spirit, good or bad, is the key to all public measures; and according as it is correctly conceived, the character of particular epochs will also be more or less correctly estimated; and according to its lasting purity and energy in future, will be the hope of success with future practical methods.”²⁶ As a strategy of historical writings, this principle of the ‘spirit of the British public’, a fundamental achievement of the nascent Liberal Anglican approach to history, enabled humanitarians to simultaneously politicize the past and historicize the present in pursuit of justice for aborigines.

The crisis of civilization in early Victorian history

The humanitarian histories of Howitt and Bannister show close similarities with the Liberal Anglican idea of history in being structured around concepts of spirit, imagination, the life of the nation, and the practicality of history. In this sense, like the Liberal Anglicans, humanitarian histories display a strong influence of romanticism, but are underpinned by a prior evangelical commitment to the salvation of the individual soul

²⁴ APS, *The First Report of the Aborigines Protection Society* (London: W. Ball, 1838) 12.

²⁵ Bannister, 271. Emphasis original.

and a universal moral law. Forbes argued that the Liberal Anglican idea of history was centred around the unquestioned assumption of Providence (not 'progress' as in eighteenth century rationalist history), which is of course paradigmatic for the humanitarian sense of history. This observation led Forbes into a consideration of what he called the 'crisis of civilization', an intellectual crisis that was central to humanitarianism in the nineteenth century.²⁷ That is, Forbes argued that Liberal Anglicans developed a concept of civilization as distinct from the eighteenth century notion of inevitable progress or 'March of Mind', and a growing Victorian triumphalism in the possession of civilization defined purely as material and technological development. In contrast, as J.C. Hare stated: "When Civilization is severed from moral principle and religious doctrine, there is no power in it to make the heart gentle."²⁸ According to Forbes' argument, this moral and spiritual concept of civilization was a response to "the eschatological excitement of the 1830s", whereby Liberal Anglicans sought an answer to the question of national futurity in the study of the historical past.²⁹

History showed that great civilizations did not inevitably progress, but rather, reaching a point of decadence, would drastically decline. It thus "pointed not to an expanding future for the nations of Europe but to a second barbarism."³⁰ Humanitarian histories traced this barbarism and degeneration by emphasizing the moral savagery of Europe with regard to its treatment of indigenous peoples. A colonial 'moral history' of European interactions with aborigines exemplified the contemporary 'crisis of civilization'. The unanimous humanitarian response – as can be early identified in the parliamentary report, Hodgkin's evidence, and the histories of Howitt and Bannister – was to make true civilization, of which colonization was ideally the extension or transmission, and Christianity coterminous. If successful this would be, as outlined in chapter three, the atonement of history. A doctrine of the inseparability of Christianity and 'true civilization', forged in the 1830s, became the humanitarian orthodoxy on colonial matters in subsequent periods. For example, in his *Lectures on Colonization and Colonies* (1841) delivered at Oxford

²⁶ Ibid., 16.

²⁷ See Forbes, 95-102.

²⁸ Hare, *Guesses at Truth* (1827 ed.), Vol. II, 306-9, quoted in Forbes, 7.

²⁹ Forbes, 97.

University, Herman Melville argued that only those experiments in civilization that begin with religion offered a chance of success.³¹ Superficially, one can observe that this was the humanitarian's instinctive response to 1833; that is, to the paradox of death and rebirth, to the atrocity and hope of colonial history. In the writings of the Liberal Anglican historians this response can be seen as deeply reflective. "It is a cycle of thought", Forbes notes, "which begin and ends in religion:"

...from the religious feeling sprang the distrust of 'civilization' which resulted in the intellectual *tour de force* by which, with the aid of Niebuhr and Vico, 'Civilization' was converted into a natural, cyclical process of history; this confirmed the fatalistic outlook of Arnold and Hare, and this fatalism, leading from the idea of the science of history to the philosophy of history, from the natural to the moral world, from law to purpose, emphasized the vital need for true religion as alone consonant with true progress. Religion alone exalts us above the cycles of history; when a nation loses its hold on religion it collapses back into the natural cycles of growth and decay, and, like a plant, dies inevitably...Only through religion can nations, like individuals, start life afresh.³²

The humanitarians did not follow such an 'intellectual tour de force', but its pattern suggests that the connection between atonement and history was also made in higher academic circles, and was indeed an important contribution of the new concept of history in this period.³³ That is, the Liberal Anglican identification of 'religion alone' as that which saves history from the inevitable cycles of decay and death. To apply the shape of Forbes' argument to humanitarian thought: the critique of the colonial system (of slavery and aboriginal dispossession and destruction) began with a moral-religious condemnation

³⁰ Ibid.

³¹ Herman Melville, *Lectures on Colonization and Colonies* (London, 1841), 123, quoted in M.P.K. Sorrenson, "How to Civilize Savages: Some 'Answers' From Nineteenth Century New Zealand", *New Zealand Journal of History*, Vol. 9 No. 2 1975, 101.

³² Ibid., 98.

of it, contextualizes this in terms of a history of the growth of European colonial power and 'civilization', *chronicled* the concomitant moral evil this perversion brings, and concluded with the argument that only true religion can offer redemption (for both aborigines and the British nation) from this cycle of death. Only if such a conversion were to take place, and such is the moment of decision (*kairos*), then the natural laws of history (*chronos*) might be able to work providentially, for spiritual and moral growth: true progress.

Civilization and the image of the aborigine

Like the Liberal Anglicans, humanitarians such as Howitt and Bannister had a historical sensibility grounded in an evangelical faith, but it was more manifest than the 'latent evangelicalism' of the Liberal Anglicans. A 'humanitarian sense of history' can be identified as incorporating romantic features within an evangelical paradigm of atonement. In this history the image of the aborigine, from which the APS would construct their 'rights of aborigines', mixed romantic and evangelical motifs in the construction of the aborigine as a new subject of Victorian philanthropy. The former are present in the use of imagination in history and the foundational importance of public sympathy and national spirit in political reality, while the latter was fundamental given, as David Owen has observed of nineteenth century England, "in the public mind the word 'philanthropist' became all but synonymous with 'evangelical'."³⁴

Howitt's illustration of the Europeans in the Pacific "hailed to the sunny shore by hundreds of simple and rejoicing people...these things which make part of the poetry of our memory and youth", shows some elements of the 'noble savage' myth, but it was more an idealization of place than people.³⁵ Howitt celebrated "these oceanic regions of

³³ Though the idea of 'salvation history', of redemptive processes working within or alongside the temporal sphere, is a familiar feature of Christian theology.

³⁴ David Owen, *English Philanthropy 1660-1960* (Cambridge: Mass.: Belknap Press of Harvard University, 1964), 93.

³⁵ Howitt., 477-478. Similar, but not as extreme, as Frieda Fordham's observation that unlike the eighteenth century idealization of the savage, "in the nineteenth century a completely contradictory view arose and a

beauty” which have been “a subject of delightful thought, and a source of genial inspiration”, but imagined the natives of these places not existing in some virtuous state of nature, but as being receptive to the Gospel which would save and civilize them from “superstition and evil passions”.³⁶ The great merit of the Pacific Islands was their geographic isolation from the corrupting influence of a decadent, violent and morally debased European ‘civilization’, which defines itself in terms of military power and in contradiction to the true Christian religion of peace and progress. In this respect Howitt used a discourse of savagery in a ‘romantic’ way to offer a critique of society in which the untainted nature of the Pacific offered the conditions for a utopian experiment in true Christianity, civilization, and, the means by which these are transmitted, colonization.

Although the humanitarians did invoke some assumptions of ‘stadial history’ – to argue humanity was a whole and that aborigines could and should be improved from savagery to civilization through sedentarization and agriculture – by conflating true civilization and Christianity, their approach was more evangelical. In his evidence, the APS’s leading ethnological thinker, Thomas Hodgkin, argued that the difference between ancient colonization (of Britain by the Romans), and modern colonization was more moral than temporal. That is, although there is “a far greater distance existing between ourselves and the aborigines” than between the Romans or Egyptians and the natives whom they colonized, this is “more so from the motives being different; our motive being simply of aggrandizement, with comparatively little reference to the welfare of the natives.”³⁷ Hodgkin appealed to stadial assumptions in further collapsing this disparity – the British aborigines are referred to as exhibiting a tribal stage of development similar to the primitive political societies of the New Zealand people, the most advanced aboriginal group according to nineteenth century anthropologists.

In his later legal treatise and APS text-book on aboriginal rights, *The New Zealand Question and the Rights of Aborigines* (1848), APS lawyer and occasional romance writer

writer of hymns, for instance, could describe in all seriousness an isle ‘where every prospect pleases and only man is vile’, when referring to a gentle and civilised race of people.” Frieda Fordham, “The Shadow in Jungian Psychology and Race Prejudice”, *Race* Vol. II No.2 1961, 69.

³⁶ Ibid., 478-9.

Louis Alexis Chamerovzow³⁸ took this sympathetic identification a step further and argued Maori were “even bolder” than the ancient Britons in defending their property against invaders who had greater technology.³⁹ Chamerovzow also invoked moral reasoning against stadial history or developmental-based arguments, in rejecting Thomas Arnold’s assertion that savages who ‘hunted over’ rather than subdue the land could not have property in it.⁴⁰ Chamerovzow argued against the moral hypocrisy of a legal principle that would dispossess aborigines yet recognize the British aristocracy’s property rights “in moors, in wastes, and in similar lands, unreclaimed by industry, and used only for sporting...”.⁴¹ Applauding Penn’s example of Christian colonization in North America, and Vattel’s recommendation of it to lawmakers,⁴² Chamerovzow is then led into the crux of the argument. It is “the difficult point of determining the line which separates the savage from the civilized; and although we feel that there exists a real difference between the extreme of these two classes, we confess our inability to appreciate what precisely constitutes it, or where just legislation for the one can no longer be advocated as just legislation for the other.”⁴³

In his text on the ‘rights of aborigines’, Chamerovzow reached a ‘crisis of civilization’ in defending the moral rights of a wronged people against a standard of civilization that would deny them basic rights of humanity. Following William Howitt, Chamerovzow questioned the identification of civilization with material development, citing the violence of European society and its historical treatment of indigenous peoples. Given that ‘civilized man’ is “guilty of acts even more atrocious than are committed by the less

³⁷ *Report on Aborigines*, 455.

³⁸ Like Howitt, Chamerovzow was a literary figure and his romantic novels included *The Embassy: an Historical Romance* (London, 1846), *The Yule-Log: a Christmas Tale* (London, 1846), and *The Man of Destiny: a Romance of Modern History* (London, 1860). See John Foster Kirk’s *A Supplement to Allibone’s Critical Dictionary of English Literature and British and American Authors* (Philadelphia: J.B. Lippincott, 1891), 310.

³⁹ L.A. Chamerovzow, *The New Zealand Question and the Rights of Aborigines* (London: T.C. Newby, 1848), 14.

⁴⁰ Thomas Arnold, “The Labourers of England”, Extracts from the Englishman’s Register, No. 6, 11 June 1831, *The Miscellaneous Works of Thomas Arnold* (London, 1854), 156. See the discussion in Patrick Moloney, “Savagery and Civilization: Early Victorian Notions”, *New Zealand Historical Journal*, Vol. 35 No.2, 2001. 163-4.

⁴¹ Chamerovzow, 214.

⁴² *Ibid.*, 202, and 182-3.

⁴³ *Ibid.*, 206.

favoured heathen; acts far less excusable, because he has the light of Christianity to guide him in a better path...What shall we say of all these acts of civilized nations? highly civilized nations! Is it that in proportion as men become civilized, they grow the more sanguinary and cruel? Then let not in the light of civilization upon savages, for they will taunt us with being even more savage than they.”⁴⁴ Chamerovzow reflects on political and intellectual criteria of civilization – “the presence of laws and institutions adapted to our condition”, and “the possession of a habit of calculating consequences, of patience in deliberation, in readiness to hear reason and to take good advice...” – and provides concrete examples of these in African and Maori culture.⁴⁵ Considering a religious criterion for civilization, it is observed that as the Romans and Greeks were “Pagans and Idolaters”, “the sublime doctrine of Christ cannot conform the rule by which we are to identify civilization as contra-distinguished from un-civilization.”⁴⁶ The tensions of Chamerovzow’s problem are deeply entrenched, and both reflect the Liberal Anglican ‘crisis of civilization’ and oppose the interpretation of savagery offered by one of its leading figures, Thomas Arnold. Chamerovzow defends aboriginal claims to civilization in some definitions, though is “content to admit the simple fact” of a distinction between civilization and savagery. However, because it is such an historically flawed claim to civilization, it should not be the basis on which “to establish dogmas which are to be regarded as the foundation of legislation for those we call uncivilized”, since the “point of comparison...may be found wanting, and, in some respects, even to a greater extent than Savages.”⁴⁷

This humanitarian argument, as originally formulated in Howitt’s *Colonization and Christianity*, does not solve the ‘crisis of civilization’ but it is not easily defeated either. Given that the identity and self-definition of ‘civilization’ is *necessarily* dependent upon a concomitant notion of ‘savagery’ – as can be seen in the classical Aristotelian pairing of Greek/master with barbarian/slave, or in the image of the ‘ignoble savage’ as pivotal in the late eighteenth century account of human development – undermining the credibility

⁴⁴ Ibid., 207-208.

⁴⁵ Ibid., 209.

⁴⁶ Ibid., 209-210.

⁴⁷ Ibid., 210.

of the claim to civilization, disrupts the criterion against which aborigines are denied a status as right-bearers, as legitimate moral and political subjects.⁴⁸ Ultimately Chamerovzow's arguments achieve some degree of equipoise, are rescued from permanent skepticism, through the implicit conflation of Christianity and civilization. That is, through a covert re-introduction of religion as the true measure of modern civility, and 'humane colonization' as the means by which it is transmitted to heathen peoples. This allowed both a critique of civilization and colonization, and an alternative 'humane' vision of it in New Zealand. Chamerovzow hoped the rights of aborigines would be recognized, and provisions for their education, moral improvement and cultural assimilation will be provided, "that Christianity might then become the pioneer of Colonization, for the principles of the one would then be not in antagonism with the sublime doctrines of the other."⁴⁹

Defining civilization as moral, intellectual and spiritual culture, more than material/economic development, the humanitarian position suggested that aboriginal cultures needed the salvation of the Gospel to perfect their natural condition. As Howitt put it, even in the Pacific "regeneration was needed to make this ocean-paradise perfect."⁵⁰ As Quakers or moderate evangelicals, humanitarians did not believe the aborigine was wholly damned without conversion. Yet this did not lessen the urgency of evangelization, as Providence seemed to present the opportunity for the natural religion of natives to be converted into a truer, redeeming faith. This complex image of the aborigine thus conformed to the political economist and divine Richard Whately's criticisms of stadial history made in the early 1830s. In Patrick Moloney's reading, "he denied both that humanity's condition could have been utterly brutish and that, unaided,

⁴⁸ On the Aristotelian system see Anthony Pagden, *The Fall of Natural Man: The American Indian and the Origins of Comparative Ethnology* (Cambridge : Cambridge University Press, 1982), "Dispossessing the barbarian: the language of Spanish Thomism and the debate over the property rights of the American Indians", in Pagden (ed.) *The Languages of Political Theory in Early-Modern Europe* (Cambridge: Cambridge University Press, 1987). On enlightenment anthropology see Ronald L. Meek, *Social science and the ignoble savage* (Cambridge: Cambridge University Press, 1976), Pagden "The 'Defence of Civilization' in Eighteenth-Century Social Theory", *History of the Human Sciences*, 1, 1988.

⁴⁹ Ibid., 215-6.

⁵⁰ Ibid., 479.

savage nations could exhibit improvement.”⁵¹ In stadial history, savagery was an initial stage of human development from which aboriginal nations could improve, as the British aborigine had done, to a lifestyle of agriculture and commercial society. Indeed they could achieve this, but this alone, as the humanitarians argued, would not guarantee civilization. If civilization was above all a moral and religious concept, so was savagery. For Whately, following the Genesis narrative, the savagery of aborigines was *degeneration* from an earlier stage of advancement. In the fallen world of evangelical critique, as both humanitarians and Liberal Anglicans argued, savagery could also be the present condition of European development. There was nothing noble about ‘the savage’, but humanitarian thought was romanticist in its use of this image to critique secular modernity, albeit in terms of an ascendant evangelicalism influenced by a Quaker tradition of dissent and ‘benevolent colonialism’. The humanitarian image of the aborigine was, therefore, distinct from both the ‘noble savage’ and the ‘ignoble savage’, the latter being characteristic of self-congratulatory stadial histories of much nineteenth century political thought.⁵²

Relying on the missionary testimonies, William Howitt looked to New Zealand and the Pacific Islands as a “springing civilization”, “a young Christianity, - this scene of beauty and peace ” that is nevertheless being “endangered” by savagery. He warned that “the same ‘irreclaimable and indomitable savages’, that have ravaged and oppressed every nation which they have conquered, ‘from China to Peru’...that massacred the South Americans; that have chased the North Americans to ‘the far west’...The savages of Europe, the most heartless and merciless race that ever inhabited the earth – a race, for the range and continuance of its atrocities, with a parallel in this world, and, it may be safely believed, in any other, are busy in the South Sea Islands.”⁵³ Thus, where “the moral corruption of our penal colonies overflows, and is blown by the winds, like the miasma of the plague, to other shores” it “threatens with destruction one of the fairest

⁵¹ Moloney, “Savagery and Civilization”, 157. See Whately, *Introductory Lectures on Political Economy* [1832], New York, 1966, 108-13.

⁵² Ronald L. Meek, *Social science and the ignoble savage* (Cambridge: Cambridge University Press, 1976), 2-3, 131-230. See Moloney, “Savagery and Civilization” for a discussion of this in terms of Victorian thought and New Zealand.

⁵³ Howitt., 485.

scenes of human regeneration and human happiness to which we can turn in this huge globe of cruelty for hope and consolation.”⁵⁴ The crucial point here is the way in which Howitt appeals to the cultural imagination – the all important ‘public mind’ – in order to disrupt familiar and oppressive binaries of the ‘civilized man’ and ‘the irreclaimable savage’. While Howitt subverts and often reverses these polarities, he does so by recourse to a poetic notion of Pacific geography, and to an unquestioned, underlying evangelical anthropology – to popular imaginaries of early Victorian, middle class culture. Indeed the savage *is* irreclaimable, but it is the savagery of “residual cruelty within human nature, however carefully cultivated”,⁵⁵ that invites condemnation. The public are thus urged to protect the aborigine, which is to say in the nineteenth century missionary world, protect the ‘springing civilization’ that is both the regeneration of the aborigine and the British empire.

Commenting on the imagery of noble and ignoble savages, I.C. Campbell observes that “conflicting opinions do not cancel each other out especially since, in this case, both poles of thought had such a strong hold on the eighteenth and nineteenth century imagination. The fact that both poles were produced, and nurtured, and flourished within the same cultural matrix is indicative of the complexity of European peoples. It would be misleading to dismiss them simply as ‘different points of view’.”⁵⁶ Although dissimilar to ‘noble’ and ‘ignoble’ binaries, humanitarians had romantic and pessimistic images of the savage, though the ultimate polarity within the cultural imagination was that of savagery and civilization. Campbell is right, however, to understand the contradictions not separately but as part of an ambivalent whole. While his strategy of comprehending these racial polarities in terms of the irrational unconscious is significant, a case can also be made for the reconciliation of opposites in the conscious rationality of humanitarianism.⁵⁷ In *Colonization and Christianity*, Howitt spins familiar binaries of heathen/christian and savage/civilized not to dissolve them, but to invite moral

⁵⁴ Ibid., 477.

⁵⁵ Andrew Sinclair, *The Savage: a history of misunderstanding* (London: Weidenfeld and Nicolson, 1977), 2.

⁵⁶ Campbell, “Savages Noble and Ignoble: The Preconceptions of Early European Voyagers in Polynesia”, *Pacific Studies*, Vol. IV No. 1 1980, 57-8.

condemnation of European atrocities and hope for aboriginal regeneration. Likewise, Chamerovzow's *The New Zealand Question and the Rights of Aborigines* questions but does not reject the civilized/uncivilized demarcation. Rather, he argued that this cannot become so narrowly racialized to the detriment of moral reality and principles of universal natural rights. This disruption permitted Saxe Bannister, in *British Colonization and Coloured Tribes*, to bring conflicting positions into an equilibrium of the aborigine as human being: "The character of uncivilized races has often been mistaken; and the only true estimate of it is, that these people are subject to the common infirmities of human nature, and gifted with our common faculties – varying in regard both to faculties and to infirmities, according to the thousand circumstances they are placed in."⁵⁸

Bannister's equilibrium, what Howitt called "human beings" with "human rights", was a moment rather than a permanent stage in humanitarian thought.⁵⁹ For, to continue his logic, the present circumstances they are placed in are grave and threaten extermination. Above all, the humanitarians represented the aborigine as 'endangered', 'oppressed', 'wronged', a 'victim', 'weak', and, especially in Bannister's case, as 'poor', as in 'poverty'.⁶⁰ However, the 'defects' of the aborigine were never denied. They are simultaneously 'ignorant', 'cruel', 'superstitious', and war-like.⁶¹ It was critical, not contradictory, that they should be this way, as it supported the view that they were degenerate and yet to be perfected. Against the doctrine of the "irreclaimable and indomitable savage", their 'natural virtues' were stressed; these being such 'good qualities' as innate faculties of reason and religion, a willingness to learn and improve their condition, and the fact that "they have never failed to be forward in making corresponding returns for all the kindness we have bestowed."⁶² In short, the aborigine was debased but eminently convertible. Their vices 'prove' the evangelical speculation that heathen people are in urgent need of the Gospel, and their natural virtues similarly

⁵⁷ Ibid., and utilizing the analytical psychology of Frieda Fordham, "The Shadow in Jungian Psychology and Race Prejudice", *Race*, II (1961).

⁵⁸ Bannister, 9.

⁵⁹ Howitt, 502.

⁶⁰ See throughout but especially Bannister, 7, 12-15.

⁶¹ Bannister, 9-10. Howitt, 479.

prove their essential receptiveness to it; an ability to embrace Christianity in its “fulness and simplicity.”⁶³ Ultimately, the image of the aborigine as constructed in humanitarian thought was that of an urgent and promising ‘cause’; an object of Christian regeneration and atonement for national sin. It thus appealed to the religious sentimentality that Brian Harrison sees as underpinning much Victorian philanthropy; a “strange mixture of idealism, humanity, and *arrière pensée*”, a “combination of guilt and compassion”.⁶⁴

Philanthropy, citizenship, and community

The contribution of humanitarianism was to present the aborigine as a new subject for Victorian philanthropy. Humanitarians appealed to a patriotism and national ‘spirit’ that transcended the historical record, and a moral and religious sensibility that ‘exalts us above the cycle of growth and decay’ as ‘only through religion can nations, like individuals, start afresh’ and realize their essential civility and charitable goodness.⁶⁵ As Bannister stated; “a conspiracy of falsely called statesmen has set up the snares of our unchristian and mischievous maxims to entrap the ignorant savage, in defiance of the genuine law of England, which may be moulded to every emergency, for the protection of the weak, and the elevation of the lowly.”⁶⁶ Though David Owen argued that ‘philanthropist’ and ‘evangelical’ became synonymous in the nineteenth century, Brian Harrison has censured Owen’s study for its narrow approach to the Victorian period; for not “emphasising the religious origins of social reform and social welfare...”.⁶⁷ Harrison therefore sees missionary activities not as epiphenomenal but central to the evangelizing ethos of the early Victorian philanthropy, and, further, argues against drawing a tight distinction between political ‘reform’ and private ‘philanthropy’.

⁶² Bannister, 10-11. Howitt, 480-1.

⁶³ Howitt, 480.

⁶⁴ Brian Harrison, “Philanthropy and the Victorians”, *Victorian Studies* (9), June 1966, 358.

⁶⁵ See Forbes, 98.

⁶⁶ Bannister, 7.

⁶⁷ Harrison, 356. David Owen, *English Philanthropy 1660-1960* (Cambridge: Mass.: Belknap Press of Harvard University, 1964), 93, 125.

The trope of atonement that propels the aborigines protection movement can be seen more broadly, and in terms of Harrison's first point, as part of the early Victorian philanthropic worldview. Such was its potency that even by the less evangelical later-Victorian period, when Christian socialism and incarnational religion were in vogue, "the feeling of guilt...prevailed in the 1880s among educated classes."⁶⁸ As Arnold Toynbee declared to the working classes; "We have sinned against you grievously – not knowing always, but still we have sinned, and let us confess it."⁶⁹ The centrality of public confession in the politics of reform was prominent, even if, as Harrison notes, late Victorian reformers "had begun to make their confessions...not to God but to the working classes."⁷⁰ In the early Victorian philanthropy, confession was more evangelically orthodox and consequently led to a "thirst for souls" that was "a powerful influence on early Victorian charity."⁷¹ The aborigines protection movement appealed to this missionary ethos, the aims of which Bannister nicely summarized as "protecting – civilizing – evangelizing the coloured races...".⁷² Humanitarian discourse urged Victorian philanthropy to incorporate the world's indigenous peoples within its sphere of responsibility, and appealed to the politics of piety and shame to secure this. As Howitt framed it, "the cause of the aborigines" is "the cause of three-fourths of the population of the globe", and "the evil done to them" is "the great and universal evil of the age" and "the deepest disgrace of Christendom".⁷³

Second, Harrison argues that the distinction between private philanthropy and progressive social reform are "somewhat arbitrary."⁷⁴ Indeed, the political contribution of philanthropy was significant;

Victorian philanthropists...were by no means always hostile to social change....Furthermore, philanthropists showed remarkable imagination in

⁶⁸ Harrison, 359.

⁶⁹ Melvin Richter, *The Politics of Conscience: T.H. Green and his Age* (London: Weidenfeld and Nicholson, 1964), 472.

⁷⁰ Harrison, 359.

⁷¹ Ibid.

⁷² Bannister, 16.

⁷³ Howitt, 506-7.

⁷⁴ Harrison, 355.

extending the bounds of citizenship – a nineteenth century development quite as important (though less discussed) as changes in class relationship. Philanthropists brought drunkards, lunatics, orphans, prostitutes, tramps, and sweeps into the sphere of public concern.⁷⁵

The above extract, and Harrison's engaging article generally, highlights the myriad manifestations of Victorian philanthropy. However, despite arguing for a broad approach which sees missionary and overseas interests as central, and noting the prominence of Quakers in Victorian philanthropy, it makes no mention of the new concern for aborigines that became institutionalized in the year Queen Victoria ascended to the throne (when the APS was formally founded). Despite being marginal, the Aborigines Protection Society are important in terms of Victorian philanthropy and political thought because it raises a new challenge. It presented its subject as poor, ignorant, oppressed, in need of salvation and full inclusion into the community and legal system as a 'citizen' with rights as such. Thus, conventionally and alongside the cause of other subjects listed above. However, whereas modern historians have traced the origins of 'social citizenship' to nineteenth century changes, the origins of a 'multicultural', or, better, an 'intercultural citizenship' have not been as fully studied.⁷⁶ In this regard, alongside the reconsideration of class and citizenship, the aborigines protection movement asked the British public to reconsider race and 'the savage' in terms of citizenship, which, to appropriate Harrison's words, was 'an extension of citizenship' that 'showed remarkable imagination.'

Though espousing a doctrine of natural rights, the politics of humanitarianism were not individualistic. Above all, in history, they appealed to the 'real spirit of the British public', which Bannister argued is "the key to all public measures; and according as it is correctly conceived, the character of particular epochs will also be more or less correctly estimated; and according to its lasting purity and energy in future, will be the hope of

⁷⁵ Ibid., 361-2.

⁷⁶ On social citizenship see T.H. Marshall's *Citizenship and Social Class* (Cambridge: Cambridge University Press, 1950).

success with future practical methods.”⁷⁷ As Randall McGowen has argued in terms of nineteenth-century prison reform, humanitarian politics relied on ‘a powerful sympathy’ to access the public interest and will.⁷⁸ Victorian humanitarian discourse – in idioms of atonement, natural rights, and public sympathy – exemplified an age in which the dominant culture and counter culture of the day, according to Trygve Tholfsen, combined elements of evangelicalism, enlightenment rationality, and romanticism.⁷⁹ In the wake of emancipation, the aborigines protection movement portrayed the aborigine as the urgent successor to the negro in the racial politics of Victorian philanthropy. It achieved a powerful sympathy by appealing to evangelical imagination and through the medium of history reconstructed the aborigines cause as implicitly bound up with the ‘Age of Atonement’.

The ‘rights of aborigines’ was dependent on a prior construction of the aborigine as a subject of humanity, pity, and deserving of philanthropic attention according to the values of the British nation. ‘Indigenous rights’ are predicated on an imaginative and communitarian appeal to what Rousseau called the morality or morals (*moeurs*), customs, or culture of the community. In other words, what Alexis de Tocqueville (incidentally, a foreign member of the APS) called ‘habits of the heart’, and that which both Rousseau and de Tocqueville saw as constitutive of political reality and pivotal to social change.⁸⁰ In the trope of atonement, polarities of savage and civilized – in aboriginal and British

⁷⁷ Bannister., 16.

⁷⁸ Randall McGowen, “A powerful sympathy: terror, the prison, and humanitarian reform in early nineteenth century Britain”, *Journal of British Studies*, Vol. 25 No.3 1986. See also Norman S. Fiering, “Irresistible Compassion: an aspect of eighteenth century sympathy and humanitarianism”, *Journal of the History of Ideas*, Vol. 37 No. 2, 1976.

⁷⁹ Trygve R. Tholfsen, *Working Class Radicalism in Mid-Victorian England* (London: Croom Helm, 1976), 34-72.

⁸⁰ “Along with these three kinds of law goes a fourth, most important of all, which is graven not on tablets of marble or brass, but on the hearts of the citizens.. This forms the real constitution of the State, takes on every day new powers, when other laws decay or die out, restores them or takes their place, keeps a people in the ways in which it was meant to go, and insensibly replaces authority by the force of habit. I am speaking of morality, of custom, above all of public opinion; a power unknown to political thinkers, on which none the less success in everything else depends.” [Jean Jacques Rousseau, *The Social Contract and Discourses*, translated and introduced by G.D. H. Cole (London: J.M. Dent, 1993 edition, *Du Contrat Social* orig. pub. 1762], 228 (Social Contract, Bk. II Chap. 12). For a historical study see Richard Fralin “Rousseau and Community: The Role of the *Moeurs* in Social Change” in *History of Political Thought* (Vol. VII, No. 1, Spring 1986). For a discussion of *moeurs* as culture see Zev M. Trachtenberg, *Making Citizens: Rousseau's Political Theory of Culture* (London: Routledge, 1993), especially “Appendix I: *Moeurs* as culture”.

communities – are comprehended, reconciled, and the life of both regenerated. This sympathy was an argument for the recognize of the other as same, and for the redemption of both through humane and christian colonization that would work towards “a steady change in their habits, and a peaceful assimilation of them to ours.”⁸¹ The humanitarian challenge for new colonial societies, and New Zealand in the 1840s, was to develop a notion of aboriginal citizenship. More fundamentally still, given Rousseau’s connection between the two concepts, the challenge was to imagine a community in which such a citizenship could be realized.

⁸¹ Bannister, 11.

5. Vanishing savages and the aboriginal citizen

I see him sit, wild-eyed, alone,
Amidst gaunt, spectral, moonlit gums;
He waits for death...

- William Sharp, 'The Last Aboriginal' (1884)

In the late 1830s and early 1840s, the newly formed APS began refining its vision of the atonement and regeneration of empire into concrete strategies for saving indigenous peoples. Humanitarians invoked anthropology and law in an attempt to actualize their ideals. In both areas, the 'Great Colonial and Aboriginal Movement' faced enormous challenges, though these were also occasions for the elaboration of humanitarian thought. Beginning with anthropological discourse, this chapter looks at how humanitarian writers contested the idea of the coming extinction of indigenous peoples. In particular, it discusses Thomas Hodgkin's use of a 'natural history of mankind' – the inchoate science of 'ethnology' – to argue against the 'impious assertion' of the total extinction of indigenes. Hodgkin argued that civilization progresses through the incorporation of uncivilized peoples, and failures of the past and present were defects in civilization not in indigenous peoples. Reflecting the death/rebirth complex underpinning the humanitarian approach to time, Hodgkin discerns the so-called 'extinction of the natives' as a decisive call to transform imperial society; to save aborigines through a systematic, humane, and Christian civilization of them.

Politically, this was an argument for the creation of an aboriginal citizenship, for colonies founded on a 'just basis' and 'moral culture'. The constitutional and social framework for such imperial policy became outlined in a brief, but significant, pamphlet written by the APS committee member, and London lawyer, Standish Motte, and at the time when the annexation and colonization of New Zealand was being pursued. The chapter discusses Motte's outline for the APS's ideal society, and ends with Hodgkin defending this vision in the context and crisis of early colonial New Zealand. Motte's pamphlet, however thin, had attempted to articulate a coherent, legal argument within the humanitarian paradigm. However, this position, which centred around concepts of

natural rights and treaties, became confused and undermined in Hodgkin's discussion of colonization in New Zealand. This present chapter, therefore, bridges more speculative, general histories of the late 1830s (chapters three and four), with a constitutional, legal vision for the 'righting of New Zealand' enunciated in the late 1840s (chapter six), via a discussion of anthropological and colonial debates that engaged the APS in the late 1830s/early 1840s.

Against the inevitability of extinction

As previously noted, Thomas Hodgkin was 'the father and founder of the Aborigines Protection Society', and his Quaker-philanthropic principles were pivotal in the shaping of early Victorian humanitarianism. These distinctively Quaker features included a Christian moral radicalism (a strict adherence to 'justice over expediency', and the espousal of a radical peace ethic), and a genealogy of humanitarian commitments. With regard to the latter, the abolitionism of the Society of Friends is a well-known precedent, but also important to Hodgkin was an early Quaker concern for the welfare of indigenous peoples, a political ideal of colonial co-existence richly illustrated in the colony of Pennsylvania.¹ To this tradition Thomas Hodgkin brought a nineteenth century spirit of empirical inquiry in an age of imperial expansion and discovery.

This 'spirit', because it was influenced by a post-millennial evangelicalism, was in many senses optimistic. It hoped and called for the urgent salvation of the suffering savage and looked towards their eventual incorporation into Christian, British society. The power of this vision, as I have argued, was based on its resonance in an 'age of atonement'. As Hodgkin put it, in an article presented to the British Association for the Advancement of Science, the encounter between civilized and uncivilized peoples was an occasion for "wrongs to be atoned for, and advantages to be reaped".² The 'progressive' or

¹ See chapter three of this thesis and Fox-Bourne, *The Aborigines Protection Society: Chapters in its History* (London: P.S. King, 1899), 14.

² Thomas Hodgkin, "On Inquiries into the Races of Man", *British Association for the Advancement of Science*, *Report of the 11th Meeting of the B.A.A.S.*, 1841, 53.

'optimistic' dynamic of evangelical thought, as I argued in chapter three, had its own ways of negotiating the paradoxes of death, decay, of historical failure, aboriginal destruction and national sin. Indeed, these were in some senses necessary features of the evangelical worldview. They inaugurated moments of 'kairos', of theological decision in chronological 'watch-time', of conversion and renewal in the face of human evil. And, as I argued in chapter four, these tensions of history – especially of material progress and aboriginal destruction in the record of colonial expansion – both propelled a 'crisis of civilization' in early Victorian thought, and provided a means by which to resolve it. That solution was, as the *First Annual Report of the Aborigines Protection Society* put it (quoting missionary sources) to conflate the two: "Christianity is the parent of civilization; and true civilization cannot be produced without it."³ A principal concern of this thesis has been to show how this crisis and solution to the aborigines and colonial question became worked out in the 1830s in a discourse history.

Hodgkin's views were, of course, integral to humanitarian histories, but his real interest was in more scientific knowledge. Following James Cowles Prichard – the lapsed Quaker turned evangelical Anglican, and well-known philologist/anthropologist – Hodgkin looked to comprehend the aboriginal question in a discourse of *natural history*, or at least in a more anthropological approach to the past.⁴ Here, no less, the crisis of civilization was fundamentally present. In an over 100-page essay written when he was just 20, Hodgkin looked to civilization as both the cause of aboriginal extermination, and, paradoxically, the means by which their condition may be improved.⁵ His *Essay on the Promotion of Civilization* (1818), discussed with other leading humanitarians such as Thomas Clarkson, failed to ignite the aborigines' cause in the early nineteenth century, but it prefigured the humanitarian position in later, mid-century debates and developments.

³ APS, *First Annual Report of the Aborigines Protection Society* (London: W.Ball, 1838) 26.

⁴ For a discussion of Prichard and monogenism, see George Stocking "From chronology to ethnology: James Cowles Prichard and British Anthropology, 1800-1850." Introduction to James Cowles Prichard, *Researches into the physical history of man*, second edition (Chicago: University of Chicago Press, 1973). For an insight into Hodgkin's understanding of and admiration for Prichard, see Thomas Hodgkin, "Obituary of Dr. Prichard", *Journal of the Ethnological Society of London*, Vol. 2, 1850, 182-207. On the relationship between Prichard and the APS see Ronald Rainger, "Philanthropy and Science in the 1830s: The British and Foreign Aborigines' Protection Society", *Man*, Vol. 15 No. 4, 1980.

The realization of the demise of aboriginal populations due to contact with European civilization, however subjective, was a central problem for mid-century intellectuals who considered the study of 'primitive' people critical towards understanding the general natural history of mankind. The genesis of 'ethnology' and 'anthropology' as formally scientific disciplines, alongside geology and botany for example, thus occurred during a time in which empirical data was perceived to be rapidly disappearing. As Jacob W. Gruber has argued, the rise of 'ethnographic salvage', predicated on the "sudden and traumatic" "awareness of the destructive impact of European peoples", was a key force in the shaping of anthropology.⁶ For the Aborigines Protection Society, which, as George Stocking notes, was the first British anthropological body – the forerunner to the Ethnological and the Royal Anthropological Societies⁷ – the trauma was severe. Extinction was not merely a threat, it was, in the perception of anthropologists, a past fact and future prospect for many, if not all, native peoples. The 1837 Parliamentary *Report on Aborigines* had already chronicled the extermination of the natives of Newfoundland by European settlers, the displacement of the aborigines of Van Dieman's Land, and of the Caribs noted "little more remains than the tradition that they once existed."⁸

In 1839, Dr. Prichard presented a very bleak picture to the nascent APS:

Wherever Europeans have settled, their arrival has been the harbinger of extermination to the native tribes. Whenever the simple pastoral tribes come into relation with the more civilised agricultural nations, the allotted time of

⁵ Michael Rose, *Curator of the Dead: Thomas Hodgkin, 1798-1866* (London: Peter Owen, 1981), 30-31.

⁶ Jacob W. Gruber, "Ethnographic Salvage and the Shaping of Anthropology", *American Anthropologist* 72, 1970, 1292. For a more cultural overview, see Patrick Brantlinger's brilliant essay "'Dying races': rationalizing genocide in the nineteenth century", in Jan Nederveen Pieterse and Bhikhu Parekh (eds.), *The Decolonization of Imagination: culture, knowledge, and power* (London: Zed Books, 1995).

⁷ For a more focussed discussion of the APS in terms of the history of anthropology, see George Stocking, "What's in a name? The origins of the Royal Anthropological Institute (1837-71)", *Man*, 6, 1971, and Ronald Rainger, "Philanthropy and Science in the 1830s: The British and Foreign Aborigines' Protection Society" (1980).

⁸ *Report of the Select Committee on Aborigines (British Settlements)*, (Cape Town: C. Struik, Facsimile Reprint 1966 [orig. pub. 1837]), Vol. II, 202, 210, 190.

their destruction is at hand; and this seems to have been the case from the time when the first shepherd fell by the hand of the first tiller of the soil.

Now, as the progress of colonization is so much extended of late years, and the obstacle and physical difficulties are so much overcome, it may be calculated that these calamities impending over the greater part of mankind, if we reckon by families and races, are to be accelerated in their progress; and it may happen that in the course of another century, the aboriginal nations in most part of the world will have ceased entirely to exist. In the meantime, if Christian nations think it not their duty to interpose and save the numerous tribes of their own species from utter extermination, it is of the greatest importance, in a philosophical point of view, to obtain much more extensive information than we now possess of their physical and moral characters.⁹

Such a testimony gave further urgency to the ethnological and *preservationist* dimensions of the APS. That is, since its inception the APS declared that “the collection of authentic information concerning the character, habits and wants of uncivilized tribes” was a fundamental objective, and indicated the desirability of “instituting a Museum, to consist of the productions of Aboriginal Tribes.”¹⁰

Elsewhere, Thomas Hodgkin made numerous appeals to intellectual bodies arguing that the preservation of ‘uncivilized nations’ was critical in the progress of knowledge. The Prichardian title of Hodgkin’s lecture to the philological Society in 1835 – “On the importance of studying and preserving the languages spoken by uncivilized nations, with the view of elucidating the physical history of man” – makes clear his argument. He urged philology to take an urgent interest in preserving the languages and traditions of uncivilized nations as an understanding of these enabled scholars “to open the way to a more clearer [sic] and more comprehensive view of our species...”.¹¹ Assumptions of the essential unity of a fragmented humanity, unknown parts of which were represented as

⁹ James Cowles Prichard, “On the Extinction of Human Races”, *The Monthly Chronicle*, 1839, 497.

¹⁰ APS, *First Annual Report* (1838), 24.

¹¹ Thomas Hodgkin, *On the importance of studying and preserving the languages spoken by uncivilized nations, with a view of elucidating the physical history of mankind* (London: Richard Taylor, 1835), 24.

slipping from human knowledge, underpin Hodgkin's appeal to the British Association for the Advancement of Science. He hoped that the B.A.A.S. might include and promote ethnology, which Dieffenbach defined as "the Natural History of Man"¹², along with the other formal sciences such as geology and botany. To this Hodgkin added a humanitarian tag: members might also like to render "personal and pecuniary aid to the Aborigines' Protection Society", committed as it was to "the preservation, amelioration, and study of the feeble races of mankind..."¹³

Hodgkin's continuing presence in the APS ensured salvage anthropology persisted, even when the more scientifically inclined members of the APS split to form the Ethnological Society.¹⁴ Conversely, his active membership of the latter ensured that ethnology, at least in its initial phase, remained committed to a liberal vision of human diversity. Indeed Ter Ellingson points out that Hodgkin, in the Ethnological Society, "zealously guarded the welfare of the society and guided its leadership in adherence to the Prichardian-Quaker antiracist heritage", over against those with an explicitly racist agenda who would eventually assume control of the Ethnological Society.¹⁵ Within the Aborigines Protection Society, of course, this 'Prichardian-Quaker antiracist heritage' was always an unquestioned orthodoxy. It opposed "the monstrous doctrine...that the coloured tribes are not only an inferior race by nature, but totally incapable of improvement – and there are some who consider them the connecting link between the monkey and man."¹⁶ As well as active scientific racism, the humanitarians also opposed a passive fatalism in acceptance of the inevitability of extinction. In Hodgkin's words, those "who do not subscribe to this doctrine [above], but have fallen into a delusion of another kind. They are inclined to the belief that the extinction of the Aborigines is inevitable, that it is an

¹² Ernest Dieffenbach, "The Study of Ethnology", *Journal of the Ethnological Society*, 1, 1848, 15-16.

¹³ Hodgkin, "On Inquiries into the Races of Man" (1841), 54-55.

¹⁴ On the split between a "student party" and a "missionary party" see Stocking, "What's in a name?", 371-2 Rainger, *passim*.

¹⁵ Ter Ellingson, *The Myth of the Noble Savage* (Berkeley: University of California Press, 2001), 273.

¹⁶ Thomas Hodgkin, "England and Her Colonies: considered in relation to the Aborigines with a proposal for affording them medical relief", in *The Fourth Annual Report of the Aborigines' Protection Society* (London: P. White, 1841), 1.

appointment of Heaven, and that every attempt to arrest their doom, must of necessity be unavailing.”¹⁷

Commitment to a ‘race science’ of human unity – ‘monogenism’, as opposed to the view that the various races had disparate and separate origins, or were created through ‘polygenesis’¹⁸ – enabled APS humanitarians to uphold a doctrine of natural rights in the teeth of Victorian empirical criticism. It suggested that, furthermore, as human beings, not only did aborigines deserve to have their natural rights recognized, they were capable of exercising these to their fullest potential. Again, this was to fudge the civilized/uncivilized demarcation: aborigines were human beings with human rights and thus should be protected, but as such they were also capable of human advancement, of realizing their human rights at a higher level than in their present condition. Ultimately, in the humanitarian worldview, it was the aborigine’s ability to embrace true civilization through innate faculties of reason and religion that would ensure a basic survival (right to life), and an elevated living (full exercise of political rights). To state the opposite was heretical. As Hodgkin argued; “That the coloured man must retire before his white invaders, or in other words, that he is devoted by Providence to destruction, is an assertion as atrocious as it is impious – impious, since it calls into question the beneficent and merciful character of the Most High. To crush in its bud the first indications of such a doctrine, must be the wish of every Christian. War, pestilence, and famine, and abridgement of territory are surely sufficient causes for the decline of the coloured man, without having recourse to some mysterious agency...”¹⁹

If Providence had not destined the aborigines to be exterminated, it had destined the English to advocate on their behalf; “...our extensive possession bring us into contact with more varieties of the human race than is the case with any other power...it is England, therefore, that the world looks for an example in the treatment of the coloured

¹⁷ Ibid.

¹⁸ On monogenism and polygenism in British race science see Nancy Stepan, *The idea of race in science: Great Britain 1800-1960* (Basingstoke: MacMillan, 1982), 1-106.

¹⁹ Hodgkin, “England and Her Colonies”, 3.

...races...".²⁰ The extension of English civilization was thus, rather paradoxically, regarded as morally triumphal, even though Prichard observed 'wherever Europeans have settled, their arrival has been the harbinger of extermination to the native tribes'. Instead, Hodgkin maintained that "if the coloured tribes, instead of being extirpated, were encouraged to locate themselves and become civilized, there is no doubt, of their preservation from extinction, and of their ultimate greatness."²¹

Although a preservationist ethos is important to humanitarian thought, the science that underpinned this allowed for more, even more than Prichard could commit to, and the political morality and theology that drove this demanded it. 'Aboriginal protection' was always something more than cultural preservation. It was, rather, a progressive vision of cultural integration and advancement; citizenship and community, that is, on a non-racial basis, and a millennial vision of a new civilization. As the *Fourth Annual Report of the Aborigines Protection Society* remarked: "it has been imagined that in seeking to protect the Aborigines, the object has been to preserve them in the purity of their race, and in the maintenance of all those habits by which they are distinguished as...objects in the natural history of man...".²² Emphatically, this was not the aim of the APS. Rather, it worked towards "their elevation, and their full participation in all the highest attributes and noblest privileges of humanity, by which, as respects British colonies at least, the distinction of race may cease to operate."²³ In some senses then, though it is important not to overwork this argument, aborigines could survive, though their cultures, as presently configured, could only be preserved in museums. Salvage ethnology of the Prichardian vein wanted access to both, though at a push it would plump for the former, and not just out of humanitarian principles. That is, 'ethnology', in Hodgkin's conception, ultimately aimed at a comprehension of "the psychology of these races...in order to complete the history of human nature, and the philosophy of the human mind...".²⁴ This task could not be achieved "when so many tribes shall have become

²⁰ Ibid., 1.

²¹ Ibid., 2.

²² APS, *The Fourth Annual Report of the Aborigines Protection Society* (London: P. White, 1841), 32.

²³ Ibid.

²⁴ Thomas Hodgkin, "The Progress of Ethnology", *Journal of Ethnological Society*, 1, 1848, 45.

extinct, and their thoughts shall have perished with them...”.²⁵ The progress of knowledge required living subjects.

Back to history: the progress of civilization

Despite the humanitarians’ religious optimism, the wholesale extinction of indigenous peoples remained, in their perception, a pressing reality. The problem, as formulated in Prichard’s address to the APS, remained: If ‘wherever Europeans have settled, their arrival has been the harbinger of extermination to the native tribes’, how could aborigines be preserved, advanced, and ‘saved’? The humanitarian answer to this crisis of civilization has already been analyzed in the previous two chapters. It involved contesting and re-deploying the terms ‘civilization’ and ‘savagery’ within and in light of romantic, evangelical histories of colonial expansions, aboriginal sufferings, and missionary-Quaker interventions. Hodgkin outlined his own response in a paper published in 1839, which provides a bridge between humanitarian histories of the 1830s, and proposals for ‘humane colonization’ and social regeneration in the late 1830s and 1840s.²⁶

As the title indicates, “On the Practicability of Civilizing the Aboriginal Populations” takes up the problem of “uncivilized tribes whose extermination is threatened by the progress of colonisation...”.²⁷ Hodgkin’s main frame of reference – the natives of North America – illustrates the geography of the nineteenth century humanitarian imagination. For the ‘new societies’ of the Victorian era, the New World was, of course, the major ground of historical, anthropological, and legal comparison. It was, as will be discussed in chapter six, where early-modern Spanish and modern Continental natural lawyers, such as Vitoria and Vattel, worked out new legal imaginings in terms of indigenous

²⁵ Ibid.

²⁶ Thomas Hodgkin, “On the Practicability of Civilizing Aboriginal Populations”, *The Monthly Chronicle*, 2, 1839.

²⁷ Ibid., 309.

peoples. More intimately for Hodgkin, North America was the land of the Quaker pioneers and early experiments into protecting and civilizing aboriginal communities.

Hodgkin begins with the pejorative image of 'the savage', of the Indians as "necessarily irreclaimable";

It has been asserted that the noble-minded, independent, brave, and heroically patient North American Indian, who has given so many proofs of possessing strong intellectual powers, is insusceptible of elevation; that he is doomed to perish by the decrees of Providence, if he remain in the proximity of civilized man; and that the utmost amount of good that can be hoped for as his lot is, that he may driven to the most accessible, but worthless tracts of his remaining territory, there is to await the deferred but certain extinction of his race – a consummation which one day must be inevitably effected by the extension of civilized society.²⁸

This important passage not only contests the negative picture of the Indian with evocative counter-imagery of its own, it reveals that the humanitarians' fundamental objection to the conventional extinctionist position was a theological one. As I highlighted in chapters three and four, and in close comparison with the Liberal Anglican idea of history, 'Providence' was the cornerstone of the humanitarian sense of history. It is utterly unthinkable, from the humanitarian or Liberal Anglican perspectives, that God would will the destruction of aboriginal peoples as if the history of European bloodshed could be legitimated. Quite the opposite: God wills the emancipation of 'the coloured peoples' from oppression, as powerfully and recently demonstrated with the abolition of the slave-trade and the emancipation of slaves. In so doing, the extent of colonial evil, of guilt, and responsibility, is revealed, and, as sympathetic attention is called to the plight of those wronged, their fundamental rationality and humanity is highlighted. However, even if the aborigine is not the 'irreclaimable savage' of colonial representation, the humanitarian position still viewed Providence as working to progressively extinguish

²⁸ Ibid.

‘savagery’. However, as has been argued, the concept of savagery had become purified – made into a more non-racialized ethical term that could be applied to moral evil in European and aboriginal societies. As savagery was reconfigured, so was ‘civilization’. In the above extract, Hodgkin states his tacit opposition to the use of the term in the crude sense of undirected, material development in which the less-developed peoples would necessarily decline when brought into contact with.

Arguing against the idea that the progress of civilization is necessarily accompanied by a decline and extinction of uncivilized peoples, Hodgkin turns to the ‘history of civilization’. Throughout Hodgkin uses the term civilization in the Liberal Anglican sense of ‘cultivation’; true civilization as essentially a moral, intellectual, and spiritual elevation. At the outset, and “in opposition to the opinion that the Indians are necessarily irreclaimable”, it is underlined that history shows how “other races, amongst which, for centuries, there existed a want of civilization, very similar to that which has prevailed amongst the North American Indians, have successfully struggled for their own advancement, and under the development which cultivation has produced, have reached the greatest height to which human talent and industry have yet attained.”²⁹ When, for example, the historian turns to the origins of Grecian civilization, they find “sufficient evidence to show that civilizations there was a *foreign importation*, and that the gems of Grecian art and science were derived from Egypt and Phœnicia.”³⁰ This suggests a view of the progress of civilization through transmission, though external activity via colonization, but one which does not envisage the simple extinction of all indigenous cultural forms. In Hodgkin’s words, “the new and peculiar character which those arts and sciences assumed, will not permit us to believe that in Greece civilization flourished only amongst an imported and exterminating race; but, on the contrary, that it was engrafted upon the native population, which only needed a favourable opportunity to develop their great but latent intellectual powers.”³¹

²⁹ Ibid.

³⁰ Ibid., 310. Emphasis added.

³¹ Ibid.

The origins of Grecian civilization are imagined in terms of a symbiotic, cultural exchange by which indigenes are given the opportunity and stimulus to realize their innate intellectual talents, and as a result of which, 'human civilization' is immeasurably enhanced. In the "progress of civilization in Greece", attention is drawn to the "operation of two causes – "1. The Egyptian and Phœnician colonies introduced their arts amongst the more rude inhabitants with whom they united. 2. For a long subsequent course of years talented Greeks traveled in Egypt and the East to acquire knowledge and wisdom, which they brought back for the general benefit of their countrymen."³² In this account of the relationship between civilizer and civilized, a relationship in which the foundations for Western civilization were laid, Hodgkin establishes a model of humane, inter-racial exchange which would be central for his nineteenth century programme. That is, one in which the transmission of civilization is mainly achieved through persuasion and education. Indeed, Hodgkin's perennial plan to establish 'colonial schools' in England, where the brightest aborigines could be educated to then return as civilizers and leaders of their people, owes much to these mythic images of antiquity.

Tracking the subsequent progress of civilization up into Europe, Hodgkin points out that the civilized nations of Europe were once "those very hordes whom the polished Romans despised or dreaded as barbarous savages."³³ Moving from the barbarism of Europe to comparison with the nineteenth century;

...who can refuse to admit the parallel which exists between the picture which Tacitus has drawn of the state and manners of those Germans, and the actual condition of the Caffres and the North American Indians? Who for a moment can entertain a doubt, that in various part of Europe, insular or continental, we may find the almost unmixed remnants, not only of Germans, but of Belgic and Aquitanian Gauls, - of Ancient Britons, Celts and Iberians, - of Goths, and of Huns who have progressively emerged from various degrees of barbarism to prove not the uniformity of capacity of all the

³² Ibid.

³³ Ibid., 311.

families of the human race, but that none must necessarily be exterminated, and that none are incapable of great mental improvement?³⁴

Here, again, the humanitarians turn to history to de-stabilize conventional notions of savagery. This passage also reveals a fundamental point of difference between Hodgkin and Prichard. Whereas for Prichard the progress of civilization and the decline of indigenous peoples is an ancient maxim of history, for Hodgkin the opposite is true. Civilization progresses – that is, advances, accumulates, transforms – through the absorption and participation of indigenous cultures. Extermination is unnecessary, and moreover, cross-cultural contact, which is the stimulus of civilization, is not bounded by racial differences.

If civilization, properly construed as moral and intellectual culture, can be an occasion for aboriginal greatness, Hodgkin must still explain why the well-intentioned civilizing missions of religious communities in North America have generally had little success. Hodgkin faces the problem squarely and gives several historical examples of experiments in aboriginal civilization that have failed, or, better, *degenerated* into a former ‘savage state.’³⁵ Hodgkin argues that these failings have not been due to some innate fault of aborigines – some ‘irreclaimable savage’ nature – but rather are due to imperfections and inadequate planning on behalf of the civilizers. One clear flaw is the insensitivity to culture on behalf of many missionaries. In Hodgkin’s words; “As respects the imperfection of the method, it would appear that, with very few exceptions, the changes introduced for the purpose of effecting a new order of society have not been sufficiently engrafted upon their original system of government, which, defective and rude as it was, had nevertheless acquired some degree of permanence and durability.”³⁶ If a new society ended up being too dependent on Europeans, when these civilizing individuals departed, it “had the inevitable effect of allowing the infant community to relapse towards its former state...”³⁷ The degeneration not only involved a return to “the worst parts of

³⁴ Ibid.

³⁵ Ibid., 312-13.

³⁶ Ibid., 314.

³⁷ Ibid., 313.

their uncivilised customs”, but this experience could also result in “new wants, introduced by their civilised associates, which, being unaccompanied by the ability to meet them, produce absolute dependence”, contamination with vice and disease, and a deprivation of their land.³⁸ From these evils, the community’s well-meaning ‘teachers’, if they have not died or moved away, are usually “too feeble or irresolute to afford any valid protection.”³⁹

Although “the introduction of genuine Christianity would have worked incalculable good for the Indians collectively as well as individually,” and the lack of it was a principal cause of the spread of European vices, Hodgkin recognizes that in many cases “the attempt at conversion to Christianity...has contributed to retard both Christianity and civilization.”⁴⁰ There are some exceptions, “some instances [of] manifestly successful efforts to improve the moral and physical condition of the Indians”, though these have generally been counteracted by “vices and diseases” that have “decimated tribes which not long since were numerous and powerful.”⁴¹ It is a miracle, then, that many Indians “although they do not fail to recognise us as the authors of their adversity, they [nevertheless] continue to regard us with a most remarkable and touching confidence; they address us as fathers, and earnestly and repeatedly implore us not only to succour and protect them, but also to supply them with the means of instruction.”⁴² Despite the grave condition of many aboriginal peoples, and the failure of missionary experiments in achieving a lasting improvement, in the persistent receptivity of indigenes and the general history of civilization, there was hope for the nineteenth-century.

Hodgkin ends his paper with a list of practical suggestions, mainly drawn from observations of the strengths and weaknesses of previous civilizing schemes, in answer to the urgent need for a ‘new and general stimulus.’ First, is the basic need to give natives “the fullest participation in the rights of British North American subjects, and the

³⁸ Ibid., 313-315.

³⁹ Ibid., 315.

⁴⁰ Ibid.

⁴¹ Ibid., 316

⁴² Ibid., 320.

permanent security of their landed possessions.”⁴³ Second, “all the efficient means at present in existence for the advancement of the Indians in religion, school education, and the arts of civilised life, should be encouraged, improved, and extended.”⁴⁴ Third, towards developing a political and intellectual aboriginal elite, Hodgkin briefly outlines a scheme whereby “successful and meritorious individuals” are encouraged and brought forward through “the system of *concours*, or competition, in the schools”, especially to be trained in agriculture and the arts. The most talented of these individuals are then to be “given the advantages of a higher degree of instruction in the best colonial schools, or even in this country.”⁴⁵

Fourth, in terms of developing a permanent system of order that works in with existing, well-functioning cultural patterns of authority, Hodgkin suggests working “with the most worthy and influential chiefs” to create “a system of police or civil government” best suited to “the Indian character”. Further, such a self-governing system of law and administration, it is hoped, would centralize authority and “lead to the Indian settlements becoming integral parts of the province in which they exist, like the Welsh counties in England and the Basque provinces in France and Spain.”⁴⁶ Hodgkin envisages these settlements forming towns to support “a permanently numerous population, and to receive the easy visits of distant Indians” coming in search of commercial and ‘instruction’. With explicit reference to the progressive history of civilization, Hodgkin imagines that “such towns, which in their tendency would resemble that which the Hanstowns formerly exercised on the civilisation of the North of Europe, might be founded in some of the most favourably placed Indian reservations within the Canadas. They would thus contribute to strengthen our influence over the distant tribes, before whose eyes they would place a most important and stimulating example, whilst they would hasten the progress towards civilisation and equality with their fellow-subjects, which it is so desirable that our Canadian Indians should make.”⁴⁷

⁴³ Ibid., 320.

⁴⁴ Ibid.

⁴⁵ Ibid., 320-1.

⁴⁶ Ibid., 321.

Hodgkin's paper recycled past ideas and anticipated future developments. His plans for the sedentarization of aboriginal peoples – a systematic, centrally planned civilization of – repeat arguments first made in his *1818 Essay on the Promotion of Civilisation*.⁴⁸ As with his earlier essay, the subject of Hodgkin's 1839 essay is the North American Indian, though he urged its suggestions "may be applicable to most of the uncivilised tribes whose extermination is threatened by the progress of colonization...".⁴⁹ Despite public optimism, in the 1830s Hodgkin was privately talking of a 'fast approaching' 'total annihilation' for the 'uncivilized families of the human race.'⁵⁰ By the mid-nineteenth-century, then, the situation was more dire, though, for the first time in English history, humanitarian concern had started to significantly organize itself around 'the aborigines cause'. Although Hodgkin's "On the Practicability of Civilising Aboriginal Populations" still took the North American as the representative, most well-known aboriginal subject, by the 1830s, consonant with the founding of the APS, the most influential humanitarians were looking to the New Zealand islands for hope and regeneration. As Hodgkin wrote in a private letter in 1839: "If anything can be done anywhere it ought to be practicable in New Zealand where...the Aborigines [are] neither few nor low in the scale of moral intellectual & physical capacity."⁵¹

William Howitt's *Colonization and Christianity* (1838), and Saxe Bannister's *British Colonization and Coloured Tribes* (1838) had both wound up their grim colonial histories with hope, looking toward New Zealand. Howitt talked of a 'springing civilization' and 'young Christianity' in the South Pacific, and enthusiastically observed the emergence of the APS and the humanely styled New Zealand Association. Not uncritically, but no the less for qualifications, Howitt proclaimed "a new era of colonization with unlettered

⁴⁷ Ibid.

⁴⁸ See Michael Rose, *Curator of the Dead: Thomas Hodgkin, 1798-1866* (London: Peter Owen, 1981), 30-31. Amalie M. Kass, "Saving the Maoris: Dr Thomas Hodgkin as a physician and social reformer", *New Zealand Medical Journal*, 24 February 1988, 83.

⁴⁹ Hodgkin, "On the Practicability of Civilising Aboriginal Populations", 309.

⁵⁰ Thomas Hodgkin in a letter to an American ethnologist, January 11, 1836, cited in Amalie M. Kass and Edward H. Kass, *Perfecting the World: The Life and Times of Dr. Thomas Hodgkin 1798-1866* (Boston: Harcourt Brace Johanovich, 1988), 257.

⁵¹ Thomas Hodgkin to Dr. Evans, November 9 1839, cited in Kass and Kass, *Perfecting the World*, 380

nations has commenced...".⁵² In conclusion to his volume, Bannister provided a list of suggestions towards 'a new system' for colonization and civilization, making special reference to New Zealand throughout. Bannister then added a postscript devoted entirely to the question of New Zealand, defending the humane principles of the New Zealand Association against missionary opposition.⁵³ Humanitarians were excited by this new prospect, not least because, as Hodgkin's above letter reflects, with New Zealand, a new philanthropic mission to save and improve indigenous peoples converged with anthropological opinion that the New Zealanders were the most 'advanced' amongst indigenous peoples. For example, as Patrick Moloney recounts, in 1840 Herman Melville noted: "The North American Indians are well-known to us by description; the favourite study alike of philosophy and romance for these two centuries, their character is fixed in our minds as almost the type of man in a savage condition."⁵⁴ Impressed with the semi-permanent structure of Maori society, and its ability to adapt quickly and enthusiastically to European culture, anthropologists and colonial intellectuals compared Maori with this North American standard. William Wentworth, amongst many others, argued that Maori "are in fact, in a superior state of civilization, and ought not to be deprived of any rights which have been granted to an inferior people."⁵⁵ However, in 1849, Hodgkin came to the realization that the New Zealand Company were just "a powerful combination of enterprising capitalists [who had] repudiated the principles they originally professed".⁵⁶ Initially, however, plans for a humane colonization of New Zealand, one in which the rights of aborigines would be protected and advanced, were seen as an historic occasion for the APS to promote their vision for atonement and regeneration in the construction of an ideal society.

⁵² William Howitt, *Colonization and Christianity: A Popular History of the Treatment of the Natives by the Europeans in all their Colonies* (London: Longman, Orme, Brown, Green, and Longmans, 1838), ff.485, 506, 508.

⁵³ Saxe Bannister, *British Colonization and Coloured Tribes* (London: William Ball, 1838), 268-300.

⁵⁴ Herman Melville, *Lectures on Colonization and Colonies*, [delivered in the early 1840s], Oxford, 1928, 29, in Patrick Moloney, "Savagery and Civilization: Early Victorian Notions", *New Zealand Journal of History*, 35, 2, 2001, 160.

⁵⁵ Wentworth quoted in Edward Sweetman, *The Unsigned New Zealand Treaty* (Melbourne: Arrow Printery, 1939) 83-84, in Moloney, 160. And see Hodgkin's evidence in *Report on Aborigines*, 455.

⁵⁶ Hodgkin in *The Colonial Intelligencer*, 1849, 138, cited in Kass and Kass, *Perfecting the World*, 382.

Towards a new social order

In the late 1830s, following the 1837 *Report on Aborigines* and the formation of the Aborigines Protection Society a year later, the new wave of aboriginal concern converged with the question of the possible colonization of New Zealand. Though advancing a through critique of ‘modern colonization’, the APS were not against the idea in itself. Rather the APS hoped for a systematic, well-planned colonization based on humanitarian principles of justice, and the protection and the advancement of aborigines. History had chronicled the sufferings of indigenous peoples, the atrocities of the old colonial system, and underlined the need for atonement. Anthropology had highlighted the danger of total extinction, but also envisaged a possible civilization of uncivilized peoples, especially in New Zealand where the Maori were seen as relatively advanced in the scale of cultural development. Subsequently, humanitarians looked to *legal discourse* to actualize their plans for principled, well-ordered, new colonial societies, over against an ad hoc colonization without vision.

At the request of the Committee of the APS, Standish Motte – an APS committee member, London lawyer of the Middle Temple, and once a chairman of the New Zealand Colonization Association – drew up a charter for ‘humane colonization.’⁵⁷ The name of the document declares its intention: *Outline of a system of legislation, for securing protection to the aboriginal inhabitants of all countries colonized by Great Britain; extending to them political and social rights, ameliorating their condition, and promoting their civilization.*⁵⁸ Motte’s *Outline* was broadly written, though no doubt it implicitly addressed itself to the question of colonization in the South Sea Islands. The *Fourth Annual Report of the Aborigines Protection Society* related that Motte’s *Outline* had been sent to “the Colonial Office, extensively circulated among members of the Houses of Parliament,...has been especially recommended to the attention of the Committee of the

⁵⁷ See Patricia Burns, *Fatal Success: a history of the New Zealand Company* (Auckland: Heinemann Reed, 1989), 89, 99, and Mark Hickford, “Making ‘territorial rights of the natives’: Britain and New Zealand, 1830-1847” (Unpublished Ph.D Thesis, University of Oxford, 1999) 233-4.

⁵⁸ Standish Motte, *Outline of a system of legislation, for securing protection to the aboriginal inhabitants of all countries colonized by Great Britain; extending to them political and social rights, ameliorating their condition, and promoting their civilization* (London: John Murray, 1840).

House of Commons on the Colony of South Australia...and copies were also sent to the Directors of the New Zealand and Australian Companies.”⁵⁹ Certainly the timing of the document, drafted in 1839 and published in 1840, suggests that ‘the New Zealand question’ was not far under the surface.

Motte’s *Outline* begins with a familiar, condensed humanitarian narrative of colonial injustice. By the end of the 1830s, the destruction of indigenous peoples, the evils of colonization, and the subsequent “stain upon our national honour, are too well known to require any lengthened detail.”⁶⁰ Likewise for this thesis, though one extended quotation from Motte illustrates his continuity with the romantic-evangelical bases of the humanitarian imagination;

What crimes and atrocities does history chronicle, more horrifying than the details of the cruelties practiced upon the untutored native? He is first deprived of his land, next of his liberty – his body is poisoned with disease, his blood is maddened with liquid fire, his passions are excited by revenge and despair; and in this state he is provided with the direst and most deadly weapons of destruction.⁶¹

Motte makes much of the image of the aborigine as untutored mind. As such, aborigines were vulnerable to adopting the vices of ‘civilization’. ‘Civilization’ reinforces the savagery of other races, and has “...led to a continuation of barbarism, savage ferocity, and a deep and dark revenge, rendered more baneful by the partial adoption of civilized weapons and customs...”.⁶² On contact with such *intolerant* civilization, the aborigine is “hunted as a wild beast”. Or, “if he is permitted to remain near the white man – the picture is still more melancholy; he is treated as a creature of inferior nature, unable to cope with civilized habits...”, and “no allowance is made for *his laws, his customs, or his*

⁵⁹ APS, *Fourth Annual Report of the Aborigines Protection Society* (London: P. White, 1841), 10.

⁶⁰ *Ibid.*, 5.

⁶¹ *Ibid.*, 8.

⁶² *Ibid.*, 6.

prejudices; and lastly, without knowledge, education, moral restraint, or self-control, he is subjected to every temptation which cupidity can invent, or the vices of artificial society can propagate. ”.⁶³ Of this “process” of “depopulation and extinction”, Motte, in an unacknowledged but direct quote from William Howitt, asks; “Is this Christianity – is this civilization?”⁶⁴ As with other humanitarian accounts, Motte’s historical summary can be read as a moral history: as a past statement of events to provide an example for present conduct, in this sense designed to provide an anti-thesis for Motte’s own statement of a humane and Christian colonization.

A distinct emphasis of Motte’s historical preamble is the attention given to the failures of past systems. That is, the idea of colonization is not rejected, but what is criticized, one might say, is a colonization ‘without ideas’ – without systematic principle and application. The “crying evils” of the past system “have mainly arisen from the absence of an efficient system of legislation...and from want of a proper and wholesome restraint, by which the colonists should have been compelled to respect the rights of the native inhabitants...”.⁶⁵ The APS’s own system will, therefore, be well-ordered, but humanitarian interventions were not just about disciplining settler communities. Above all, they expressed faith in the powers of mind and intellectual development, in civilization as moral, intellectual and religious culture. In other words, ‘aboriginal protection’ entailed an active ‘cultivation’, so that aborigines might protect themselves and become civilized *citizens*, rather than perpetually insulated minorities doomed to a gradual and humane end. In terms of a colonial plan, this humanitarian ideal was “...the ennobling desire of spreading civilization by means of the diffusion of intelligence – of the useful arts and sciences – of religion, virtue, and morality – of raising the character of the aborigines in the scale of humanity and teaching them to become ‘one of us’ –...we may thereby lay a foundation for moral culture, and for politically and socially ameliorating their condition.”⁶⁶

⁶³ Ibid., 7.

⁶⁴ Ibid., 8.

⁶⁵ Ibid., 6.

⁶⁶ Motte, 9-10.

Motte's proposals to provide a 'just basis' for colonies involves the elaboration of "certain, general principles, from which laws may be made to emanate applicable to each." The code invokes natural rights theory in international and national law, to affirm the sovereign and private rights of aboriginal peoples and individuals. The humanitarian vision, as has been consistently emphasized, was not just that aborigines should possess 'rights' defined broadly as "political and social rights", but that they should exercise these to their fullest potential. In other words, rights were about making citizens – that is, of protecting and improving aborigines within *political community*. Humanitarians aimed for aborigines to become independent, self-reliant, and equal citizens, and criticized missionary experiments that had prevented such a progress, but recognized an initial phase of paternal 'instruction'. During this phase, in the transmission of civilization, humanitarians urged decision-making to remain centralized. Motte followed this lead, first established by the *Report on Aborigines*, in his *Outline* which, in the words of Kass and Kass, "called for systematic policies instead of ad hoc decisions by local officials...".⁶⁷ Consistent with the APS's criticism of the Report, Motte also "enunciated fundamental Aborigines Protection Society doctrine" which included the affirmation of not just of the rights of aborigines as individuals, but the rights of nations. There is, thus, a tension within 'fundamental APS doctrine'. Aborigines are to be treated as legitimate members of the family of independent sovereign nations, while at the same time their incorporation into a humane civilizing British empire is to be aimed at. This tension remains throughout the APS writings, though surfaces in the 1840s and in dealings with New Zealand.

The "general principles of legislation" that Motte argues provide a 'just basis' for aboriginal policy are based firmly on natural rights theory. In Motte's programmatic sketch;

That such system of legislation shall be based upon the declaration of the
 indefeasible rights of every people, (not under allegiance to any other power,)
 to the natural rights of man comprehending,

⁶⁷ Kass and Kass, 378.

1. Their rights as an independent nation. That no country or people has a right by force or fraud to assume sovereignty over any other nation.
2. That such sovereignty can only be justly obtained by fair treaty, and with their consent.
3. That every individual of a nation whether independent or owing allegiance to any other power has a rights to personal liberty, and protection of property and life.⁶⁸

In the humanitarian vision of the ‘progress of civilization’, these clauses can be read chronologically; as the development of a trusteeship that was embryonic in New Zealand. The APS’s support for treaties, over against parliamentary humanitarian opinion in the 1830s, thus provides a legal lynchpin by which aboriginal peoples can be legitimately incorporated. For humanitarians, this was not merely a rhetorical device for ‘amusing the natives’. It retrospectively recognized their innate rationality and humanity, and prospectively placed certain limits on the activities of government.

Motte’s *Outline* slides from respecting the independence of aboriginal nations, to negotiating their assimilation. It thus provides a humanitarian rationale for the expansion of empire. The new ‘system’ is envisaged as embracing both “Countries acknowledging our Sovereign Authority”, and ‘Countries not under the Sovereign Power of Great Britain’.⁶⁹ At the time of its writing, it is unclear where New Zealand fits within Motte’s *Outline*, though this is no great problem as both categories follow the same dynamic. That is, the first category is broadly construed to include; “1. All countries already colonized by us” and “2. All countries which we may colonize hereafter.”⁷⁰ In terms of ‘Countries not under the sovereign power of Great Britain’, Motte, though formally recognizing their sovereign independence, argues that “in order to permanently benefit and promote the civilization of the aborigines, it is necessary to obtain, by peaceful

⁶⁸ Motte, 13-14.

⁶⁹ Ibid., 14

⁷⁰ Ibid.

means, as soon as possible, moral and political influence over them.”⁷¹ This did not necessarily mean complete incorporation, but, once again, it did entail the writing of commercial and political treaties. Given this political philosophy, it is no surprise that the Treaty of Waitangi was considered a major concession to humanitarian principles, and subsequently mythologized in APS literature as “The Magna Charta of the Maoris”.⁷²

For the APS, a treaty is the social contract on which the new social order is founded. Like Rousseau’s social contract, it is not envisaged in legalistic terms alone. Rather, it inaugurates the birth of a new moral-political community, whose health depends on the virtue of its citizens. Conversely, it is the function of the community to ‘make citizens’ through socializing institutions of culture.⁷³ It is a necessary part of the *Outline of a system of legislation*, therefore, to provide a code for such an aboriginal citizenship. In the words of George Stocking, Motte’s legislative system “was in effect a programme for directed cultural change ‘by persuasion rather than by force’.”⁷⁴

The APS’s vision of aboriginal citizenship and colonial society, as outlined by Motte, consisted of three general areas of political activity: property, justice, and religion and education. First, in terms of ‘*rights of property*’, there is a tight link between property rights, treaties, and the foundation of new colonial societies. In Motte’s words, “in future it [shall] be a fundamental principle in colonization, that no settlement shall be made on any land possessed or claimed by its aboriginal inhabitants, without their consent, formally obtained by treaty, or otherwise substantially acknowledged by them.”⁷⁵ This emphasis was also construed as limiting the scope of treaties; “no treaty...shall be valid unless it secures an adequate reserve of territory for the maintenance and occupation of the aborigines and their posterity.”⁷⁶ The humanitarian vision evolves from a negative

⁷¹ Ibid., 14, 22-24.

⁷² For example, see Fox-Bourne’s official history of the APS, *The Aborigines Protection Society* (1899), 24.

⁷³ See Jean Jacques Rousseau, *The Social Contract and Discourses*, translated and introduced by G.D. H. Cole (London: J.M. Dent, 1993 edition, Du Contrat Social orig. pub. 1762], 228 (Social Contract, Bk. II Chap. 12), and generally Zev M. Trachtenberg, *Making Citizens: Rousseau’s Political Theory of Culture* (London: Routledge, 1993).

⁷⁴ Stocking, “What’s in a name?”, 370.

⁷⁵ Motte, 15.

⁷⁶ Ibid.

liberty into a positive, prescriptive rights. To protect and enhance the value of their reserve lands, an allotment system is encouraged. This prefigures a more thoroughgoing re-organization of aboriginal populations along British lines: "...where the lands reserved for the aborigines shall be extensively continuous, they shall be divided and subdivided into counties, hundreds, and townships, in conjunction with a corresponding organization of its inhabitants."⁷⁷ Much of this, of course, is Hodgkin's vision of civilizing aboriginal tribes, and so does not involve a total cultural transformation. These 'reservations' were imagined not as a sort of dilapidated, wasteland for dying savages, as is the imagery often evoked today, but rather as the platform for a 'springing civilization' that combined the best of aboriginal and British worlds. Keeping aborigines apart from European settlements, at least initially, was intended to avoid the fate of those North American Indians who had become corrupted through total exposure to civilized lifestyle. They were unfortunate, second-class citizens that had lost the best of their indigenous character while adopting the worst of European culture. As Hodgkin lamented in his 1836 evidence to the select committee; "Those who live amongst civilized settlers are very much reduced to a state which resembles that of the gypsies in this country. They have lost much of their pristine noble character..."⁷⁸

Emphasizing the need to graft civilization onto existing indigenous forms was part of a vision of citizenship in which aborigines, as full citizens, participate in their self-governance. In Motte's prescriptions for the organization of property:

...wherever the Aborigines shall be settled in large numbers, or in tribes or families together, the local administration, for all minor offences committed among themselves, shall be vested in the chiefs or heads of families, who shall act as magistrates, with power of empannelling a jury or court of not less than seven natives, of which the verdict of the majority shall be in all cases binding.⁷⁹

⁷⁷ Ibid., 16.

⁷⁸ Thomas Hodgkin, evidence given on 9 May 1836, cited in *Report on Aborigines*, Vol. I, 459.

⁷⁹ Motte, 16-17.

Motte's vision of property rights slides into the second major area of aboriginal citizenship: the "Administration of Justice." This entailed the recognition of aborigines as citizens with full and equal civil rights, possessing "all the privileges of British subjects...".⁸⁰ Additionally, as with the special category of aboriginal reserves in property, 'special laws for the protection of aborigines' were proposed. These included instruments such as a 'Board of Protection' to safeguard the welfare of aborigines, and mixed, inter-cultural systems as instituted in Pennsylvania. For example, an aboriginal constabulary force was encouraged, the rights of aborigines to trial by jury and "to demand a jury of half colonists and half native aborigines" was deemed central to the administration of justice in new colonial societies, in "all cases of difference between the colonists and the aborigines, or among themselves" a participatory system of arbitration was proposed, and the right of appeal to the privy council, in equality with colonists, was affirmed.⁸¹ Justice and political rights in the APS's ideal society consisted of a democratic citizenry which participated in its governance, underpinned by special laws to ensure that actual power disparities along racial lines did not prevent indigenous people from 'advancing' their culture. 'Equality' was the pre-eminent principle and ideal, but was not considered apart from empirical reality.

Property and the law are conventional areas of interest for historians looking at aboriginal citizenship. Certainly they were fundamental to nineteenth century humanitarians. However, what was just as important, if not more so, was the attention given to education and religion in the life of the community. I have tried to emphasize this by taking a broadly Rousseau-ian approach to citizenship, though the 'romanticism' of humanitarians was underlined not just by an organic concept of community, a democratic notion of citizenship, and a reliance on public morality and opinion as the foundations for 'moral culture'. More broadly, imperialistically, and certainly more evangelically, Quaker influenced humanitarians looked to the pacific, progress of civilization-as-cultivation;

⁸⁰ Motte, 19.

⁸¹ Ibid., 19-20, 24-27.

...peace should be our motto...Experience tells us, that the most ferocious animals may be charmed and tamed by the genius of man, without force or violence. If this can be effected with mere brute instinct, what may we expect to do with men by the effect of reason? If brutes with mere instinct can be brought to love man, and obey him, how much more shall untutored mind be influenced by superior intelligence. It is a universal law that intelligence, which is the offspring of truth, must prevail; how soon, – how far its shall prevail over those extensive regions of the earth, where civilization and religion have yet to make their way;– to the gradual extinction of savage barbarism, cruelty, oppression, famine and bloodshed...depends much upon the course taken by the Government of this great nation.”⁸²

‘Instruction and Amelioration’, the most obviously assimilationist feature of humanitarian citizenship, was also that through which aborigines would eventually progress to a standard of autonomy, self-development, and independence. In Motte’s *Outline* for a new social order, the provision of “native schools and native teachers” is pivotal. Educational institutions are envisaged as teaching such “useful knowledge” as engineering, mechanics, metallurgy, mining, navigation, and, of course, agricultural sciences, so that aborigines may materially improve the state of their condition.⁸³ However, native schools were above all places of “moral and religious instruction”, whereby aborigines might develop the intellectual, moral, and spiritual values that would not so much prepare them *for civilization*, but make them truly *civilized*.⁸⁴ Further, in promotion of Hodgkin’s persistent vision, “a certain number of youths be selected from the aborigines of each colony and sent to England, to be educated under the direction of the aborigines commissioners.”⁸⁵ This proposal aimed “to attach the aborigines to the manners, customs, and institutions of Great Britain”, to train and cultivate an indigenous

⁸² Ibid., 10-11.

⁸³ Ibid., 21.

⁸⁴ Ibid., 21, 5-11.

⁸⁵ Ibid., 21-22.

elite whom “on their return to the native country” would work towards “the improvement and civilization of their brethren.”⁸⁶

Hodgkin’s vision of colonial schools in England was never quite achieved in terms of New Zealand, although New Zealand native schools were significant in developing a new, westernized educated Maori elite. Hodgkin consistently tried to sponsor sons of native chiefs from America and New Zealand, without much success. The story of Warru-loong, the son of an Australian aborigine elder, illustrates the humanitarians’ predicament. Warru-loong came to England in 1845 with Edward Eyre, a Protector of Aborigines along the Murray River and later Lieutenant Governor of New Zealand, and eventually became Hodgkin’s guardian.⁸⁷ He was Quaker-schooled, renamed ‘Edward Warrulan’ and presented to the Queen and Prince Albert as representative ‘of her subjects at the antipodes’.⁸⁸ Though Hodgkin disapproved of aborigines displayed in ‘museums’ for public consumption, he hoped if people could see Warru-loong’s natural intelligence this might dispel the idea of Australian indigenes as “the lowest and most degraded of mankind...”. Indeed, phrenologists who examined his development declared him “far superior to the negro race generally.”⁸⁹ Warru-loong died young, of pneumonia, in 1855. In Michael Rose’s understatement: “It must have been a weird and lonely experience.”⁹⁰ Even if he had survived, Warru-loong would have been unable to return home, to act as an internal civilizer, as Hodgkin envisaged. As Amalie and Edward Kass recount: “before...[his] death the news reached England that every member of his tribe except his brother and two sisters were already dead, and that the once powerful tribes in the Murray River area were decimated...”⁹¹

⁸⁶ Ibid.

⁸⁷ On Warru-loong, see Kass and Kass, *Perfecting the World*, 398-400, and Michael Rose, *Curator of the Dead*, 38. On Eyre, see Geoffrey Dutton, *Edward John Eyre, the Hero as Murderer* (Harmondsworth: Penguin, 1977), esp. 163-168.

⁸⁸ *Illustrated London News*, February 14 1846, cited in Kass and Kass, 399.

⁸⁹ Cited in Kass and Kass, 399.

⁹⁰ Rose, 38.

⁹¹ Kass and Kass, 400.

Colonization and New Zealand

The success of Waitangi, and the co-operative spirit of the New Zealand Company, promised much for the new colony of New Zealand. Amongst Edward Gibbon Wakefield's associates were members of the APS including George F. Angas, "a wealthy Baptist merchant who saw himself as a latter-day William Penn."⁹² As early as 1837, Hodgkin offered advice and encouragement to Benjamin Hawes, M.P. – one of the Directors. Hodgkin was "gratified to observe that the New-Zealand Colonization Society" has expressed a commitment to aboriginal welfare, "and thus form a contrast with every instance of modern colonization now on record."⁹³ Nevertheless, he noted that the Society's proposed regulations "fail to accomplish the benevolent object for which they are designed..."⁹⁴ Hodgkin's critique is in effect a complete rejection of the New Zealand Colonization Society's charter, which imagined the gradual and consensual transfer of native property and authority by Maori eager to join in the colony's successes. More fundamentally, Hodgkin thought that New Zealand was unsuited to large numbers of emigrants: "Let emigration be encouraged to those regions which are wholly without inhabitants, or very thinly peopled, but not to a country like New Zealand, which is already tolerably well-peopled by a race possessing strong mental and bodily powers."⁹⁵ Instead he proposed "founding a well-placed city, having a certain little territory around it", where colonists could train Maori in the arts, and persuade them to manage the Colonization Society's export trade. This would be both a more profitable scheme, and "set a bright and much called for example...you will have founded a city, which, may be a future London of the Southern Hemisphere...a metropolis for the Natives of New Zealand...."⁹⁶

⁹² Ibid., 380. On the APS and the New Zealand Company, see Raymond M. Cooke, "Two Faces of Philanthropy: The Aborigines Protection Society and the New Zealand Company", *Journal of Religious History*, Vol.5 No.1, 1968.

⁹³ Dr. Hodgkin to Benjamin Hawes, M.P., 11 Month 27, 1837. Reprinted in Thomas Hodgkin/The Aborigines Protection Society, *On the British Colonization of New Zealand* (London: Smith and Elder, 1846), Appendix, 41. The strange dating of the letter refers to the Quaker custom to not use the pagan names of days and months.

⁹⁴ Ibid.

⁹⁵ Ibid., 44.

⁹⁶ Ibid., 44-45.

Hodgkin's letter was reprinted in early APS writings. Writing in 1846, Hodgkin reflected that it "exhibits the views entertained by the friends of the Aborigines at that time, and anticipates some of the difficulties which have since been experienced."⁹⁷ In the early 1840s, these utopian visions had to be revised, and Motte's *Outline* provided an alternative plan by which New Zealand natives might be protected from the effects of emigration and full-scale colonization. Hodgkin tried to convince Edmund Halswell, aborigines protector on behalf of the New Zealand Company, that only a systematic, well-ordered plan along the lines of Motte's code could benefit the aborigines.⁹⁸ The appointment of Robert Fitzroy as Governor of New Zealand in 1843, alleviated some humanitarian anxieties on the course of the new colony. Fitzroy left England well-furnished with missionary and APS publications. However, Fitzroy's troubled tenure, and his premature recall in 1845, led Hodgkin to write *On the British Colonization of New Zealand*; the first, significant defense of 'humanitarian New Zealand' following the foundation of the colony in 1840.⁹⁹

On the British Colonization of New Zealand treads a fine line between critique and apology. Hodgkin is clearly disturbed by present happenings in New Zealand, but is also keen to refute criticisms that the APS is against colonization. After "five years of colonizing experience he notes that "the natives are represented as bloodthirsty and brutal savages, and the Settlers as ruined and anxious to escape," while "the Missionaries in the midst of the depressing spectacle of the destruction of the fruit of their past labour, must see their future prospects very much clouded."¹⁰⁰ This is soul-destroying for a colony for which "it is scarcely possible to imagine a more legitimate beginning."¹⁰¹ Instead of respecting native property rights, they have been abused. Even the missionaries are to be

⁹⁷ Ibid., 41.

⁹⁸ Kass and Kass, 381.

⁹⁹ Thomas Hodgkin/The Aborigines Protection Society, *On the British Colonization of New Zealand* (London: Smith and Elder, 1846). See also, Hodgkin/Aborigines Protection Society "On the best mode of organizing the population (aborigines) Of New Zealand, so as to advance their progress in civilization", (London: 1844), which reiterates proposals to sedentarize Maori.

¹⁰⁰ Hodgkin, *On the British Colonization of New Zealand*, 1-2.

¹⁰¹ Ibid., 5.

faulted for failing to more fully introduce the English language to Maori. Darker still, is the prospect of New Zealand become divided through civil disorder, even internal war.¹⁰²

However, in making these criticisms Hodgkin was at pains to point out ‘The Aborigines Protection Society was not opposed to colonization in general, or to British colonization in particular. On the contrary, it advocates a form of colonization that is consistent with wisdom and justice, and comfortable the precepts of religion which Britain, as a nation, professes.’¹⁰³ In contrast to the views of the late 1830s, emigration is embraced as “a natural consequence of laws governing the human race, and imposed by the Author of nature...”.¹⁰⁴ In search of historical inspiration, “the example of Pennsylvania, founded by men of peace, destitute of arms, and without military defence, maintaining friendly relations with warlike tribes for upwards of half a century”, is again invoked as an ideal of benevolent, systematic colonization.¹⁰⁵ Searching for principles for a culturally peaceable New Zealand society, Hodgkin returned to the ‘words’ and the ‘spirit’ of the Treaty of Waitangi.¹⁰⁶ In so doing, in entering the territory of legal discourse, it becomes quite clear that Hodgkin is well out of his depth.

Hodgkin’s attempts to devise a narrative of sovereignty and nationhood in New Zealand, seems to contradict core humanitarian doctrine. Where Standish Motte, barrister at the Middle Temple, argued that the recognition of indigenous peoples as possessing rights of nations was foundational to any code of ‘aboriginal rights’, Hodgkin writes of Britain gaining sovereignty through *right of discovery* with Cook, then ‘reclaiming’ it with the Treaty of Waitangi.¹⁰⁷ In so doing, Hodgkin espouses the argument of those who wanted to downplay the constitutional significance of Waitangi. That is, that Maori did not possess legitimate rights to property and sovereignty, that New Zealand was largely *terra nullius*, that British sovereignty was gained through *discovery of* rather than *negotiated cession with*. The idealization of Waitangi, in *On the British Colonization of New*

¹⁰² Ibid., 3-18, 34-36.

¹⁰³ Ibid., 39.

¹⁰⁴ Ibid., 38-39.

¹⁰⁵ Ibid., 18-19, 34-35.

¹⁰⁶ Ibid., 28, 4-5.

¹⁰⁷ Ibid., 2-3, 4, 19, 27-28.

Zealand, is more anthropological than constitutional: “At the period of the conclusion of the Treaty of Waitangi the New Zealanders were like the softened wax ready to receive a perfect impression, but of which, it is to be feared, they will become less susceptible, unless the plastic state can be adroitly restored.”¹⁰⁸ Hodgkin’s legal confusions weaken the humanitarian position at a vital point – at the point of transition from independent nation to incorporated, colonial society. Motte had argued the extension of British sovereignty could only be legitimately made through a genuine, social contract, but Hodgkin’s arguments unwittingly undercut the potential significance of the Treaty of Waitangi. Despite the promise of Motte’s *Outline*, the APS had failed thus far to articulate a viable theory of aboriginal protection. One was now urgently needed to provide the APS with a coherent, constitutional theory in which to frame New Zealand – the great hope of a redeemed, Christian colonization.

¹⁰⁸ Ibid., 6, and see 37.

6. The righting of New Zealand

Not as we hoped; – but what are we?
Above our broken dreams and plans
God lays, with wiser hand than man's,
The corner-stone of liberty.

- John Greenleaf Whittier, 'Astræa at the Capitol' (1862)

It is the law and nothing more. Whoever wanted to examine the reason for this would find it so feeble and lightweight that, if he were unaccustomed to contemplating the feats of human imagination, he would marvel that in a century it had accumulated so much pomp and reverence.

- Blaise Pascal, fragment 94, *Pensées*

In 1847, Louis Alexis Chamerovzow, a London lawyer and aspiring literary figure, became secretary for the APS working under Hodgkin.¹ Though Chamerovzow had been a long-standing member of the society, his tenure as secretary was brief. In 1854 he resigned to take up a more permanent position of leadership as secretary of the Anti-Slavery Society. His role as APS secretary was, however, crucial in that it occurred during a period of early constitutional debate about New Zealand, to which Chamerovzow brought considerable legal skills. This chapter is a textual study of Chamerovzow's *The New Zealand Question and the Rights of Aborigines* (1848), focussing on its elaboration of the APS's theory of rights, citizenship and political community. I begin with a general context for Chamerovzow's legal treatise, this being the 'treaty debate' in early colonial New Zealand. Dispute over the interpretation of Waitangi, and what the humanitarians viewed as a move away from the natural rights paradigm of the 1830s, provoked a defence of Waitangi as a genuine, binding treaty of sovereign cession, and a social contract for the creation of citizenship and community.

Discussion of *The New Zealand Question and the Rights of Aborigines* is divided into two main sections. After a preamble on 'Treaty debate', in the first section –

‘International law and the moral recognition of aboriginal nationhood’ – I trace Chamerovzow’s use of ‘the law of nations’ to argue for aboriginal sovereignty prior to Waitangi; that is, for aborigines as full members of the family of nations and with rights as such. This is a fundamental recognition, for without it Waitangi, and any enlightened society it may found, is a hollow compact in which nothing is ceded and nothing is gained. Chamerovzow thus argues against British sovereignty over New Zealand by right of discovery, used by colonials who claimed the islands were and are to some extent technically ‘uninhabited’ or *terra nullius*. I argue his reasoning and interpretation of international law is based on a radical Christian moralism, and on a ‘confessional’ view of colonial history. The second section – ‘Myths of foundation: Shaping New Zealand’ – works out principles of the first in terms of the constitutional form of the new colonial polity of New Zealand, and through the invention of a myth of benevolent race relations embedded in the foundations of political society. It highlights the humanitarian theory of sovereignty, its argument for a government limited by the special proprietary rights of Maori, and the concomitant vision of a government obligated to creating a society and citizenry in which indigenous peoples would be culturally transformed, socially advanced, and would share in the governance of the territory. The chapter concludes reflecting on the place of New Zealand in the humanitarian imagination, and on its vision of the past and eschatological orientation to the future.

Treaty debate in New Zealand

The mid-1840s was a time of humanitarian crisis with regard to the new colony of New Zealand. A landmark 1844 Parliamentary Report signaled a drastic shift in the interpretation of the treaty, away from the natural rights paradigm which governed parliamentary thinking in the 1830s (of which the 1837 *Report on Aborigines* was representative), and towards a legal positivism that would become increasingly ascendant in nineteenth century jurisprudence. The 1844 Report claimed that the Treaty of

¹ Fox-Bourne, *The Aborigines Protection Society* (London: P.S. King, 1899), 14, see my discussion of Chamerovzow in chapter 4, and John Foster Kirk’s A Supplement to Allibone’s *Critical Dictionary of*

Waitangi, which had been roundly defended by missionaries, colonial officials and the APS as guaranteeing the full recognition of Maori rights, *was* a 'formal treaty', but "little more than a legal fiction" as "Maori were incapable of comprehending the real force and meaning of such a transaction."² Accompanying the report were instructions from the new Secretary of State for Colonies, Earl Grey, which looked to the registration and confirmation of Maori owned land according to a narrow 'Arnoldian' doctrine of labour and occupation.³ Furthermore, a new Charter was introduced granting self-government to settlers – a constitution that was without any substantial protection for Maori. These new measures were welcomed by land-seeking settlers "as disposing once and for all of 'Treaty of Waitangi nonsense'", while in England the British press declared sympathy with Earl Grey against the 'humbug treaty'.⁴

In Claudia Orange's view, "Earl Grey's challenge to the interpretation of the treaty of Waitangi generated fresh debate and focused attention on the treaty when it might have quietly faded in importance."⁵ Missionaries such as Bishop Selwyn, missionary societies, the APS, Chief Justice William Martin, and new governor Grey, all, in their own way, protested against the new policy. It led Martin to write *England and the New Zealanders* (1847)⁶; a legal defence of the Treaty from a natural rights perspective, and upholding "the humanitarian values reflected in the 1840 treaty" that he felt were now "endangered".⁷ What Orange has called the 'treaty debate' of the 1840s, initiated by "Earl Grey's attempt to impose a restricted interpretation...did serve one very important function, however: it created fresh publicity about the treaty, reinforcing the belief that New Zealand was a unique case in race relations."⁸ Indeed, this belief about New Zealand's race relations can be found in modern New Zealand 'treaty debate', and

English Literature and British and American Authors (Philadelphia: J.B. Lippincott, 1891), 310.

² Report from the Select Committee on New Zealand, Great Britain Parliamentary Papers, 1844 (556), 5, cited in Claudia Orange, *The Treaty of Waitangi* (Wellington: Allen and Unwin, 1987), 131.

³ See L.A. Chamerovzow, *The New Zealand Question and the Rights of Aborigines* (London: T.C. Newby, 1848), 192 and chapter VII generally.

⁴ Orange, 126, 129.

⁵ *Ibid.*, 129.

⁶ William Martin, *England and the New Zealanders* (Auckland, 1847).

⁷ Orange, 129.

⁸ Orange, 130, 131.

especially in the writing of history. For example, and in terms of New Zealand history's foundational writer, it can be seen in Keith Sinclair's famous article that argued the influential presence of humanitarian *ideas* during the 'founding' of New Zealand, as the most significant reason 'why race relations are better in New Zealand than in South Africa, South Australia or South Dakota'.⁹ It is not unrelated that Sinclair is also New Zealand's foremost historian on humanitarianism. Even though, as I argued in chapter one, Sinclair failed to understand the ideological ground of humanitarian thought, he nevertheless consistently emphasized it. The writing/righting of New Zealand history is not, of course, just a function of contemporary secular nationalism. In the 1840s, in response to what they perceived as a threat to the new, enlightened, foundations of the colony of New Zealand, a number of individuals wrote texts that defended and thus mythologized a natural rights vision of New Zealand. A European 'myth of foundations', a humanitarian myth of New Zealand nationhood – however distinct from its secular, anti-colonial, modern variant – was a central feature of the early colonial writing of New Zealand. The threatened displacement of the Treaty from a nominally 'natural rights' paradigm was a stimulus for 'aboriginal rights' to be more clearly enunciated, and for the APS to concretely develop its theory of rights, citizenship and political community.

Thomas Hodgkin's *On the British Colonization of New Zealand* (1846), was an attempt to represent the humanitarian position in this early colonial debate on aboriginal policy. Although this text did attempt to figure New Zealand in highly moral terms, in terms of an original humane vision of the colony, as I argued, it failed because this early debate was largely constitutional. It involved discussion over the legal standing and interpretation of the Treaty, of sovereignty and the extent of political power, and of the ground and form of the 'rights' of Maori as subjects/citizens. This was an intellectual debate conducted, at least superficially, in legal discourse. Where Hodgkin was weak, L.A. Chamerovzow was highly competent. His *The New Zealand Question and the Rights of Aborigines* (1848) was a broad, legal treatise, which aimed "to present as

⁹ Keith Sinclair, "Why are Race Relations in New Zealand Better than in South Africa, South Australia or South Dakota?", *New Zealand Journal of History*, (Vol. V, No. 2, 1972).

complete a political history of this interesting Colony, as can be gathered from the published documents thereto.”¹⁰

The New Zealand Question begins with a brief history of the European ‘discovery of New Zealand’, discusses legal confusions pertaining to this, devotes its central chapters to the history and theory of the Treaty of Waitangi, and concludes with lengthy chapters on the present ‘land-question’. The substantial appendix includes the legal opinions of two APS commissioned, London lawyers – Joseph Phillimore and Shirley Woolmer – which are important guides for Chamerovzow’s own arguments.¹¹ The work represents the APS’s most concrete and, at the same time, discursive statement of aboriginal rights, worked out with reference to the promising new colony of New Zealand, and promoted by the APS as “forming a kind of text-book for general reference on subjects of this nature.”¹² The present discussion of this text, therefore, restricts itself to tracing the constitutional shape of the APS’s ‘ideal society’. It refrains from looking at more specific questions of land and property – central as they are – so as to bring the thesis to a close, and to avoid becoming embroiled in the vexed question of humanitarianism and the New Zealand Wars, a subject for which I have neither the space nor knowledge to offer an adequate response.¹³

¹⁰ Chamerovzow, 83.

¹¹ Joseph Phillimore was a well-known lawyer, an M.P. and, at one time, regius professor of civil law at Oxford University. Phillimore’s liberal national politics and international legal expertise made him an appropriate and authoritative source for the APS. That is, the *Dictionary of National Biography* notes that “during his parliamentary career he distinguished himself by his able advocacy of catholic emancipation and his luminous expositions of international law.” His son, Sir Robert Joseph Phillimore, was a distinguished jurist and scholar and wrote a famous, four-volume *Commentaries on International Law* (1854-61), see *Dictionary of National Biography*, 1070-1074.

¹² Aborigines Protection Society, “Report of the Aborigines Protection Society. Eleventh Anniversary”, *The Colonial Intelligencer*, May 1848, 11.

¹³ On the APS and the New Zealand Wars, see Keith Sinclair, “The Aborigines Protection Society and New Zealand: A study in nineteenth century opinion”, (M.A. Thesis, University of New Zealand, Auckland, 1946), 76-120. For a re-consideration of the role of the New Zealand humanitarian ‘Church Party’ in the New Zealand Wars, see M.P. Grimshaw, “‘Fouling the Nest’: The conflict between the ‘Church Party’ and Settler Society during the New Zealand Wars 1860-1865” (Unpublished Ph.D Thesis, University of Otago, 1999).

International law and the moral recognition of aboriginal nationhood

In his *Outline* for a colonial policy, Standish Motte had urged the extension of British sovereignty over aboriginal territories, to ensure that aborigines' rights were protected, and their social condition, presently threatened with extinction, was progressively improved. However, as has been discussed, this was a third stage in his reasoning. For such an extension of sovereignty to be legitimate, it needed to be ceded through treaty. That is, through a social contract in which: (1) aborigines would consent to cede complete sovereignty, and (2) which would ensure a protection of their basic rights, and, quite possibly, any special rights that they wanted to retain, especially those cultural forms which were critical to their continuity in colonial society. Motte, therefore, envisaged a form of colonial, British 'sovereignty' that was *limited* by a natural rights morality confirmed in constitutional compact. Any other form of government, such as one based on an absolutist theory of sovereignty, would be wholly illegitimate, because the only rationale for the political incorporation of indigenous peoples was to protect aboriginal rights.¹⁴

On behalf of the APS, Motte defined these rights not just in the basic sense of rights to liberty and property, but as 'social and political rights' – the ability to participate meaningfully as citizens in political society, which necessitated some 'special laws' for indigenous representation in justice and education systems. Treaty as social contract, forming limited government with an underwritten commitment to aboriginal rights and citizenship, was central to the humanitarian vision of new colonial society. In *On the British Colonization of New Zealand*, Hodgkin consistently affirmed this humanitarian emphasis in terms of the importance of returning to the original vision of Waitangi. However, in imagining that Waitangi effectively reclaimed a sovereignty which had existed since Cook's declaration, despite emphasizing that this 'right by discovery' had been in 'abeyance' and then became 'valueless' due to Britain failure's to confirm it

¹⁴ See Standish Motte, *Outline of a system of legislation* (London: John Murray, 1840), *passim*, esp. 13-14, and the general discussion earlier in this chapter.

through occupation, Hodgkin seriously confused the humanitarian position.¹⁵ If limited government was dependent on a social contract that ensured the extension of sovereignty through cession, and not through discovery or conquest, then such a vision of treaties was dependent on a prior, fundamental legal recognition, and one that Hodgkin had failed to observe. In his constitutional history of New Zealand, Chamerovzow ensured that later debate on the meaning of Waitangi and sovereignty would not be undermined by failing to recognize what was a fundamental, if undeveloped, doctrine of aboriginal sovereignty and nationhood.

Motte's "declaration of the indefeasible rights of every people...to the natural rights of man", began not with limited government or rights-based treaties, but with a basic recognition that aborigines have "rights as an independent nation."¹⁶ The 'aboriginal rights' of mid nineteenth-century humanitarianism are therefore worked out in explicit reference to a legal language variously referred to as the 'Law of Nations', '*Jus Gentium*', or, in Bentham's modern coinage, 'international law'. This appeal was understandable as the questions of aboriginal rights involved issues of clear international dispute. Moreover, international law was a discourse that had evolved out of the writings of such thinkers as Hugo Grotius, and in the nineteenth century found its most influential interlocutor in the figure of Emmerich de Vattel.¹⁷ Its classic authorities were, therefore, all 'natural lawyers' who, however differently, viewed international law as a based on a natural law jurisprudence; on a universal morality regarded as the legitimate foundation of all man-made, 'positive' law.¹⁸

¹⁵ See Thomas Hodgkin, *On the British Colonization of New Zealand* (London: Smith and Elder, 1846), esp. 2-6, 19.

¹⁶ Motte, 14.

¹⁷ On the influence of Vattel, see F.S. Ruddy, "The Acceptance of Vattel", in C.H. Alexandrowicz (ed.), *Grotian Papers 1972: Studies in the History of the Law of Nations* (The Hague: Martinus Nijhoff, 1972).

¹⁸ See Hugo Grotius, *De Jure Belli Ac Pacis Libri Tres*, trans. by Francis W. Kelsey (Oxford: Clarendon Press, 1925 [orig. pub. 1625]) 38-40, on the natural law foundations of international law, and its relationship, and distinction, from divine law. Emmerich de Vattel, *The Law of Nations; or, Principles of the Law of Nature applied to the conduct and affairs of Nations and Sovereigns*, trans. Joseph Chitty (London: S. Sweet, Chancery Lane; Stevens and Sons, 1834 [orig. pub. 1758]) lvi-lviii, on natural rights and duty, and on the law of nations as universal, obligatory, and "immutable".

The theological basis of naturalist international law made it well disposed to humanitarian ideology, and provided a legal basis for its commitment to a common humanity and the will of God as the foundation for moral right. Following Grotius, in the mid-late nineteenth century Sir Robert Phillimore, son of one of the lawyers commissioned by the APS to offer a legal opinion on New Zealand for Chamerovzow's volume, outlined a theological-naturalist basis to international law arguing that "the Primary Source...of International Jurisprudence is Divine Law."¹⁹ Robert Phillimore's four volume *Commentaries upon International Law*, which the author described as "upon a larger scale than has hitherto been attempted in England to reduce...the principles and precedents of international law", illustrates the persistence of a naturalist jurisprudence in English law well into the late nineteenth century.²⁰ Of all legal discourses in the nineteenth century, and despite the rise of a logical positivism that supposedly displaced it, natural rights principles survived most obviously in international law.

Finally, the reference to indigenous peoples in international law made it an obvious discourse for discussing aboriginal rights. The transformation of natural law/law of nations from a medieval to a modern language, owed much to the rise of European colonialism and knowledge of 'primitive peoples'.²¹ Whether in terms of Vitoria's prescriptions for ordering Spanish imperialism in the New World, Grotius's comments on the rights of indigenes in an age of Dutch expansionism, the use of Locke in the dispossession of Amerindians, or Vattel's subsequent reflections on the legality and illegality of European settlements in the New World, the law of nations was a substantial corpus of precedent and principle developed, in part, through the colonial encounter with indigenous peoples.²²

¹⁹ Sir Robert Phillimore, *Commentaries upon International Law* (London: Butterworths, third edition 1879 [orig. pub. 1854-61]), Vol. I, 14-15, and see also xv-1.

²⁰ *Ibid.*, I, *passim*.

²¹ On the history of indigenous peoples in naturalist and positivist frames of international law, see S. James Anaya, *Indigenous Peoples in International Law* (Oxford: Oxford University Press, 1996), 9-26.

²² On Vitoria see Anthony Pagden's introduction in Francisco de Vitoria, *Political Writings*, ed. Anthony Pagden and Jeremy Lawrance (ed.) (Cambridge: Cambridge University Press, 1991). For an important and recent history of international law, highlighting its development in terms of colonial power and especially emphasizing the importance of Grotius, see Richard Tuck, *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant* (Oxford: Oxford University Press, 1999). On Grotius and Locke see Barbara Arneil, "John Locke, natural Law and Colonialism", *History of Political Thought*, Vol. XIII No. 4, 19992. On Locke and North America see Herman Lebovics, "The Uses of America In

Precisely because of its central presence in colonial history, the law of nations was not a morally pure, coherent political discourse. Invoking international law was a reasonable strategy, but one that was much more problematic than modern historians of aboriginal rights have assumed.²³ As I stated in the introduction to this chapter, in working out a humanitarian constitutional frame for New Zealand, the challenge for Chamerovzow was to imagine a future for international law beyond the “discourses of conquest” and toward a discourse of protection.²⁴ Although ‘conquest’ underlines the coercive uses of international law, in terms of New Zealand, and many of the new colonial societies such as the Australian colonies, the more subtle and insidious annexation of aboriginal territory was proclaimed through ‘right by discovery’ of ‘uninhabited lands’.²⁵ Chamerovzow’s defence of aboriginal sovereignty begins here, with that doctrine which Hodgkin had confusingly affirmed.

Chamerovzow notes that “according to the Law of Nations, the act of taking possession, under certain conditions, of a newly-discovered country, gives to the discoverer...certain rights inalienable and sacred...”.²⁶ Appealing to the authority of this doctrine, it was declared that “through Captain Cook...the Islands of New Zealand originally came to be regarded as an appendage to the dominions of Great Britain.”²⁷ If this position was correct, then Maori lost nothing and the British had nothing to gain at Waitangi – the

Locke’s Second Treatise”, *Journal of the History of Ideas*, Vol.XLIV No. 4, 1983), James Tully, ‘Rediscovering America: the Two Treatises and aboriginal rights’ in Tully, *An approach to political philosophy: Locke in contexts* (Cambridge: Cambridge University Press, 1993), and Barbara Arneil, *John Locke and America: The Defence of English Colonialism* (Oxford: Clarendon Press, 1996).

²³ See, for example, Frederika Hackshaw’s historical survey, “Nineteenth century notions of aboriginal title and their influence on the interpretation of the Treaty of Waitangi”, in Ian W. Kawharu (ed.) *Waitangi: Maori and Pakeha perspectives of the Treaty of Waitangi* (Auckland: Oxford University Press, 1989), which assumes an unproblematic view of common law and natural law jurisprudence in the defense of aboriginal interests.

²⁴ I use this phrase from Robert A. Williams, Jr.’s history of law and indigenous peoples in North America. See William’s *The American Indian in Western Legal Thought: The Discourses of Conquest* (Oxford: Oxford University Press, 1990).

²⁵ See Elizabeth Evatt, “The Acquisition of Territory in Australia and Great Britain”, in C.H. Alexandrowicz (ed.), *Grotian Papers 1968: Studies in the History of the Law of Nations* (Hague: Martinus Nijhoff, 1970).

²⁶ Chamerovzow, *The New Zealand Question and the Rights of Aborigines*, 22.

²⁷ *Ibid.*

Treaty was indeed ‘a device for amusing savages.’²⁸ Given the authority of the law of nations, debate over the validity of the right by discovery centred around whether or not ‘certain conditions’ were met. Namely, in Vattel’s words, whether “a nation finds a Country, uninhabited and without a master...”.²⁹ Despite the classic use of the doctrine of *terra nullius* to dispossess aborigines, Chamerovzow maintains “although the Law of Nations is aptly enough quoted wherever there exists the possibility of wresting its spirit to the disadvantage of Native Tribes, its equity in this one main point of title by discovery has been wholly set aside...”.³⁰

Chamerovzow attempts to subvert, or in his view correct, legal interpretation at the very point where it has proved so effective in dispossessing indigenous peoples. At first sight, he thinks it obvious that indigenous communities ‘inhabit’ or ‘people’ their lands, and are the ‘original discoverers’ and thus “the legitimate Sovereigns of their country.”³¹ Imagined as such, as independent nations, it is the duty of other nations to avoid interfering with their natural liberty. In Vattel’s own italicized words ; “*each nation ought to be left in the peaceable enjoyment of that liberty which it holds from nature.*”³² Of course, Chamerovzow is aware that for many this notion of aboriginal peoples as nations with rights as such, is completely unacceptable. Or, as he puts it;

...certain theorists of over-diluted political sensibility, and who, in their eagerness to promote the advancement of the interests of the civilized nations to which they belong, are accustomed to disregard the natural rights of Aborigines, may possibly be shocked at the bare idea of men, living in a state

²⁸ Quote from *The New-Zealander*, cited in Orange, 126.

²⁹ Ibid., citing Vattel, *Le Droit des Gens*. Tome I.c. xviii §207. See also, Emmerich de Vattel, *The Law of Nations; or, Principles of the Law of Nature, applied to the conduct and affairs of Nations and Sovereigns*, trans. Joseph Chitty (London: S. Sweet, Chancery Lane, Stevens and Sons, 1834 [orig. pub. 1758]) 99. All quotation of Vattel in *The New Zealand Question and the Rights of Aborigines* is from Chamerovzow’s own translation of *The Law of Nations*. To observe where Chamerovzow adds his own emphases, and to compare his translation with a contemporary version, I will cross-reference Chamerovzow’s citations with the appropriate pages in Joseph Chitty’s 1834 translation.

³⁰ Ibid., 24.

³¹ Ibid., 24, 25, 33.

³² Ibid., 26, quoting Vattel, *Le Droit de Gens*, Preliminaries, §13, c/f. Chitty trans., lx.

of nature, ranking – in point of political considerations – as the equals of their European civilized brethren...³³

First, it may be objected that the small-scale size of an aboriginal community, or its lack of actual political power in international politics, may disqualify it from classification as a nation. To this Chamerovzow quotes back Vattel;

Since men are naturally equal and that their rights and obligations are the same...nations composed of men...are naturally equal, and hold from Nature the same obligations and the same rights. Neither strength nor weakness produces, in this respect, any difference. A dwarf is as much a man as is a giant: a petty republic is not less a sovereign state than is the most powerful kingdom.³⁴

Vattel's analogy reveals the characteristic structure of naturalist, international law of the modern period based on an individual/state duality. As Robert Phillimore reaffirmed in his nineteenth century, English reflections on the fundamental nature of international law: "States, it has been said, are reciprocally recognized as moral persons."³⁵ S. James Anaya has argued that this afforded little legal protection to indigenous communities.³⁶ However, in the mid nineteenth-century Chamerovzow emphasizes principles of tolerance and equity in the dual moral structure of international law, in an attempt to include a diversity of communal forms. Further, for these communities to be legitimately 'political', Chamerovzow notes that Vattel's criterion is minimal. "Every nation that governs itself, under what form soever it be, without dependence upon a stranger, is a Sovereign State."³⁷ Chamerovzow envisages that these conditions for nationhood are

³³ Ibid., 27-28.

³⁴ Ibid., quoting *Droit des Gens*, Preliminaries §18-19, c/f. Chitty, lxii.

³⁵ Sir Robert Phillimore, *Commentaries upon International Law*, Vol. I, 15. Reflecting the biblical/classicist sources of Grotian international law, Phillimore's reference is here to Aristotle's *Ethics* (lib. V. c. 7), and St. Paul's Epistle to the Romans (ii. 14, 15), the latter being an often cited New Testament basis for a natural, moral theology.

³⁶ S. James Anaya, *Indigenous Peoples in International Law* (1996), 15.

³⁷ Chamerovzow, quoting *Droit des Gens*, . Liv. 1 c. 1. §4, c/f. Chitty, 2.

broad enough to include a range of peoples, “be that people civilized, semi-barbarous or simply savage”, and are especially fulfilled in the context of New Zealand where the European is “brought into contact with an intelligent, enlightened, and ambitious native Race...”.³⁸

The major objection to aboriginal sovereignty, and one that would continue to undermine aboriginal claims to property rights in early colonial New Zealand, was the argument that aboriginal inhabitants are “not using all the land, though in the virtual occupancy thereof.”³⁹ Chamerovzow quotes at an important passage from Vattel often cited in the restriction or denial of aboriginal rights;

There is another celebrated question to which the discovery of the New World has principally given rise. It is asked, if a nation may lawfully occupy any portion of a vast country in which are to be found only errant tribes, incapable, because of the smallness of their numbers, of inhabiting the whole...Their vague habitation in these immense regions, cannot pass for a veritable and legitimate taking of possession; and the people of Europe, too pent-up at home, finding a land whereof the savages had no particular need, and of which they made no actual and sustained use, were competent lawfully to occupy the same, and there to establish colonies.⁴⁰

Quoting this passage at length, Chamerovzow draws attention to the often neglected qualifications Vattel himself makes;

One does not, then, exceed the views of Nature, in restricting savages to narrower limits. Nevertheless, one cannot but laud the moderation of the English Puritans, who first established themselves in New England. Although provided with a Charter from their sovereign, they purchased of the savages the land they wanted to

³⁸ Ibid., 24, 5.

³⁹ Ibid., 36.

⁴⁰ Ibid., 38-39, quoting *Droit des Gens*, c. xviii §209, c/f. Chitty, 100.

occupy. This praiseworthy example was followed by *William Penn* and the colony of Quakers which he conducted into Pennsylvania.⁴¹

Underlining the Quaker-humanitarian tradition of the APS, Chamerovzow's italicization emphasizes Vattel's own idealization of Penn. This quotation of Vattel – in full, with the recommendation of Penn – is also repeated by Chamerovzow later in the book, in reference to the land question. The humane and highly Christian colonies of English nonconformity, and Pennsylvania in particular, are upheld as *exemplary*. Nevertheless, Vattel's prescriptions remain, and, from the humanitarian perspective, to do full justice to Penn it is important to understand his conduct as not merely charitable and exceeding the call of duty, but as principled and deontological. Responding, that is, to the will of God.

Implicit in Chamerovzow's legal reasoning is a humanitarian approach to history, savagery and civilization that I have outlined in previous chapters. In particular, in chapter four, I looked at parts of *The New Zealand Question* where Chamerovzow joins writers such as Howitt and Bannister in questioning conventional imaginaries of savage and civilized, on the basis of the history of colonial atrocity. International law, which is the focus of the present textual analysis, however authoritative, is invoked from the perspective of this over-arching trope of atonement. Of Vattel's natural law 'restriction of savages to narrower limits', Chamerovzow thus states; "To accord to such a principle as this an unqualified assent, would be giving deliberate sanction to all those encroachments, violations, abuses and atrocities which have proved so fatal not only to the tribes of North American Indians, but to many others inhabiting various remote parts of the globe....we as distinctly proclaim ourselves at issue with those theorists who maintain that such a right is unconditional."⁴²

The primacy of the moral law, developed in religious conversation with the wrongs of history, demands that such a principle be reconsidered. As Jonathan Dymond's outlined, natural law and international law are not finally authoritative apart from the Will of God.

⁴¹ Ibid. Italics are Chamerovzow's.

⁴² Ibid., 39-40.

There may be cases where the moral law contradicts the doctrines of legal authorities. For Dymond, international law was inherently suspicious insofar as it had developed, in part, as a code of war and conquest.⁴³ This, however, did not mean Quakers and other Christian moralists spurned international law. Rather, as in the example of Joseph Sturge, they hoped to reform it into a moral code for ameliorating the violence of international politics. In other words, they hoped to purify ‘the rights of war and peace’ into the rights of just peace. Ideally, and perhaps necessarily in terms of the formalities of legal reason, humanitarian natural lawyers such as Chamerovzow assumed that the Law of Nations and the Law of Nature, would be, or at least should and could be interpreted to be, in harmony with the dictates of conscience.⁴⁴

Chamerovzow notes that some of the conditions of Vattel’s principle clearly suggest a putative right by discovery is untenable in the case of New Zealand. For example, Vattel ‘asserts that the obligation of cultivating the earth is imperative in Savages, it is not less so on a civilized people...’.⁴⁵ The mere discovery of uninhabited land does not itself secure the right to possession of it, and Cook’s ‘discovery’ was not confirmed by subsequent settlement. Second, Chamerovzow questions the analogy between nomadic Amerindians and tribal Maori in a way that makes use of ‘stadial history’’s preferential view of Maori, but without entirely assenting to its implications for less advanced aborigines elsewhere in the world. For the APS, even if the restriction of aboriginal rights were “admitted unconditionally, in respect of errant hunting tribes – which, however, we do *not* admit – it could in no manner apply to the New Zealanders, who are an agricultural people, and fulfilling, in their natural condition, the duties which the *Jus Gentium* imposes as imperative upon all nations.”⁴⁶ With an eye to the land question of

⁴³ See Jonathan Dymond, *Essays on the Principles of Morality and on the Private and Political Rights and Obligations of Mankind* (London: Hamilton, Adams, and Co., 1829), Vol. I, 146, and Vol. II, 18.

⁴⁴ On this Chamerovzow seems to follow the naturalist legal path and construe natural law or the law of nature as consonant with the moral law, whereas Jonathan Dymond knew that natural law, in the history of moral philosophy, was not always consonant with a Christian ethics. See Robert Phillimore, *Commentaries upon International Law*, Vol. I, 15, for a nineteenth century, legal statement of natural law as a moral, ‘Divine Law’. See Hugo Grotius, *De Jure Beli ac Pacis libri tres*, trans. Francis W. Kelsey (Oxford: Clarendon Press), Book I, 38-40, for his affirmation of natural law as moral law, though as distinct from ‘volitional divine law’, and Book II, 176-184 on some of the tensions between natural law and Christian morality.

⁴⁵ Chamerovzow, 39, and see 43.

⁴⁶ *Ibid.*, 40-41. Emphasis original.

the 1840s, Chamerovzow then focuses on the notion of ‘desert’ or ‘waste lands’. Using this doctrine, proponents of the ‘right by discovery’ interpretation of British sovereignty could affirm the ‘celebrated question’, in Vattel’s words, as to “whether a nation may lawfully occupy an portion of a vast country in which are to be found only errant tribes, incapable because of the smallness of their numbers, of inhabiting the whole?”⁴⁷ Notwithstanding the difference between continental North America and the islands of New Zealand, Chamerovzow marshals Grotius, the ‘father of international law’, to argue for full aboriginal ownership and sovereignty over all of New Zealand. Even though Vattel’s *The Law of Nations* was the most quoted and accessible text in the nineteenth century, Grotius’s *The Rights of War and Peace*, which Chamerovzow cites, was acknowledged as the foundational statement of international law. In Robert Phillimore’s paean for *The Rights of War and Peace*; “It is scarcely too much to say, that no uninspired work has more largely contributed to the welfare of the Commonwealth of States....Grotius first awakened the conscience of Government to the Christian sense of International duty.”⁴⁸ For *The New Zealand Question*, in short, Grotius trumps Vattel. Or, rather, in matters of such dispute, it is necessary to go back to the primary textual sources of which Vattel’s work is, however authoritative, a secondary exposition.

The particular textual citation of Grotius – on the question of vacant land – is important in framing aboriginal property rights both prior to and after Waitangi. The following passage, relied on by Chamerovzow, is also used by Shirley Woolmer, in his legal opinion on the New Zealand Question, to broaden a narrowing colonial definition of aboriginal property;

If a country which has been occupied by the mass, (say, generally) there remain any portions which have not been assigned to any person in particular, it should not for that reason be considered as vacant, for it belongs, in all cases, to him who is the first master of the country – I mean by this, the

⁴⁷ Vattel, *Droit des Gens* c. xviii. §209., cited in Chamerovzow, 38, c/f. Chitty, 100.

⁴⁸ Phillimore. *Commentaries upon International Law*, Vol. I, xxii.

people or the King. Such is, in general, the ownership of rivers, lakes, fishponds, forests and uncultivated mountains.

It is also unjust to appropriate to one's self, things which are in the possession of another, under the pretext of having discovered them; and that, even when their possessor should be a wicked man...for one can appropriate to one's self, by rights of discovery, only that which belongs to nobody.⁴⁹

Both Chamerovzow and Woolmer underline this as a significant passage on the issue of vacant lands, and plainly see that in the case of New Zealand the islands are occupied 'by the mass', 'generally', or '*en gros*'. From the observation of the distribution of Maori, and from direct evidence from Maori themselves, it is also clear that those areas of land which may appear sparsely populated, uninhabited and where title is not tightly specified – and Grotius's examples of rivers, fishponds, forests and mountains in quite to the point in New Zealand – are nevertheless in aboriginal possession, and thus 'should not for that reason be considered as vacant'.⁵⁰ Grotius's comments on vacant land, followed up by his invective against the misuse of right by discovery against culturally and religiously different people, is, for Chamerovzow and Woolmer, a decisive clarification of much-abused doctrines of international law. In Chamerovzow's conclusion; "...we perceive that 'discovery' confers no proprietary title to any such lands as are already in occupancy, even though of a savage or heathen people; and Vattel likewise enforces the same principle when he asserts that 'these tribes may not appropriate to themselves more land than they require, and than they are in a condition to inhabit and to cultivate'; for, given that they require the whole...or, again, that they retain it for their ultimate requirements – as the New Zealanders do, to wit – it is difficult to conceive how any nation by mere act of discovery, acquire a right to occupy to their detriment...".⁵¹

⁴⁹ 'Grotius Book 2. Chap.2 Sec.9', in the main text of Chamerovzow, 41-2, and in 'Opinion of Shirley F. Woolmer, Esq.', in 'Appendix of The New Zealand Question', 23. This citation is, however, incorrect. Pedants, such as myself, will find Grotius talking about these matters in Sections 4 and 5 – not 9 – of Book II, Chapter II, in *The Rights of War and Peace*. C/f. Grotius, *De Jure Belli ac Pacis*, 191-2.

⁵⁰ Chamerovzow, 42-45, 'Appendix: Opinion of Woolmer', 22-3.

⁵¹ Ibid., 42, quoting Vattel, *Droit des Gens*, Preliminaries, §13.

Despite these clarifications, Chamerovzow acknowledges that the law of nations continues to be interpreted to deny aboriginal communities the rights of sovereign nations. For example, as the following advice from Joseph Somes to Lord Palmerston on the question of New Zealand in 1839 makes clear, dispute centres around the status of the aborigine as an full legal subject;

The Law of Nations, we believe, recognises no other mode of assuming dominion in a country, of which the inhabitants are so barbarous as to be ignorant of the meaning of the word sovereignty, and therefore incapable of ceding sovereign rights. This was the case with the New Zealanders, from whom it would be impossible for Captain Cook to have obtained, except in mockery of the truth, a British Sovereignty by cession. Sovereignty by possession, is that which the British Crown maintains in a large portion of its foreign dependencies.⁵²

Underlying the interpretation of such doctrines as that of 'right by discovery', cession through treaties, the use of vacant lands, occupation through cultivation of the soil, and the identity of the 'nation', is a more fundamental question of the cogency of international law as an inter-cultural language of political justice. Chamerovzow thus responds to Somes's comments by arguing that; if due to some ethnocentric definition of nationhood, aborigines cannot be regarded, individually and collectively, as fully capable legal subjects and fully sovereign nations, then the whole project of international law, which is meant to regulate conduct between culturally different peoples, is undermined.

In Chamerovzow's words;

If native tribes, that is, Aboriginal nations are to be shut out from the great system of inter-national polity, and declared incompetent to the exercise of sovereign power over themselves, simply because they differ from us in

⁵² Ibid, 47, quoting Joseph Somes, 'Correspondence with the Sec. of State, relative to New Zealand. April 1840.'

customs and habits, then is opened a wide field for oppression, injustice and inhumanity. Upon this principle, there would exist no safety for any people; for it would suffice to set up a standard of civilization, and to declare war against all who did not attain to it. The territories of the Chinese, of the African Kings, of the Rajahs of India, and even of more than one European Monarch might be invaded and taken possession of, with equally as much justice to the Islands of New Zealand and other lands inhabited by human beings, too 'barbarous' perhaps to understand, although 'the word Sovereignty', although by a singular anomaly in the positive exercise of all its attributes.⁵³

This is a crucial passage from *The New Zealand Question*, one that illustrates the provocations and contradictions in the humanitarian approach to international law. It begins with a pluralistic recognition of cultural difference as *the* condition of global political morality, and ends with the note that aboriginal political authority is legitimate because it possesses the attributes of a standard of sovereignty as developed out of a European cultural context. Chamerovzow's analogical reasoning is also crucial. He picks up a principle of cultural inclusivity central to international law and works it to embrace new forms of diversity. Aborigines are analogous to civilized 'cultural others' – such as the Chinese and Indians – who, though differing greatly in customs, possess an obvious and effective form of political organization. The great leap from these Asian Empires to more small-scale tribal structures means that Chamerovzow must lean heavily on his previous use of Vattel. He must argue that size is immaterial to the independent and sovereign status of a community – an attractive proposition but one extraordinarily difficult to apply in practice (as the fragmentary nature of twentieth century nationalism bears out). Anaya, then, might be quite correct when he observes; "The very idea of the nation-state would always make it difficult for non-European aboriginal peoples to qualify as such. The concept of the nation-state in the post-Westphalian sense is based on European models of political and social organization whose dominant defining characteristics are exclusivity of territorial domain and hierarchical, centralized authority.

⁵³ Ibid., 48-9.

By contrast, indigenous peoples in the Western Hemisphere and elsewhere, at least prior to European contact, typically have been organized primarily by tribal or kinship ties, have had decentralized political structures often linked in confederations, and have enjoyed shared or overlapping spheres of territorial control.”⁵⁴

Humanitarian legal thinkers, such as Bannister, Motte, and particularly Chamerovzow, are left in what appears to be a conceptual *terra nullius*. On the one hand they re-present and even propose to re-organize aboriginal populations so they are more like ‘one of us’, so as to protect their international and citizen rights. At the same time they argue that international law, in its very *raison d’être*, should respect and protect the rights of those living culturally different forms of life. Chamerovzow’s fundamental approach to international law is thus that “...the natural independence of nations is to be religiously respected, and this without regard to their peculiar internal polity.”⁵⁵ But how are we to know that they are ‘independent nations’ without examining their ‘peculiar internal polity’? In other words: How is the category of nationhood to be determined if not through an examination of a people’s political structure? What is nationhood based on?

The sort of critique at work in the mid-century humanitarian interpretation of *terra nullius*, and general approach to international law, can be traced earlier in the political philosophy of Jonathan Dymond. Dymond argued that ‘...our law of nations...by a monstrous abuse of power, has acted upon the same doctrine with respect to *inhabited* countries; for when these have been discovered, the law of nations has talked, with perfect coolness, of setting up a standard, and thenceforth assigning the territory to the nation whose subject sets it up; as if the previous inhabitants possessed no other claim or right than the bears and wolves.”⁵⁶ This sort of radical Christian moralism underpins the mid-century humanitarian interpretation of law. Dymond anticipates the emergence of the writing of confessional histories of European colonialism, and provides a way of reading the philosophical reasoning present in these ‘moral histories’ of the 1830s. That is, in 1829, he argued in his treatise on moral philosophy, that “civilized states appear to

⁵⁴ Anaya, *Indigenous Peoples in International Law* (1996), 15.

⁵⁵ Chamerovzow, 64.

⁵⁶ Dymond, *Essays on the Principles of Morality* (1829), Vol. I, 146. Emphasis original.

have acted upon the maxim that no people possess political rights but those who are parties to the law of nations; and accordingly the history of European settlements has been, so far as the aborigines were concerned, too much a history of outrage, and treachery, and blood.”⁵⁷

With this history written out by the time of the colonization of New Zealand, humanitarians sought to reform international law through what might be termed a ‘moral recognition of aboriginal nationhood.’ That is, if civilized states appear to act according to the principle that only those peoples included in the great ‘family of nations’ possess full political rights, to avoid the subsequent injustice and dispossession that has inevitably characterized the extension of such a colonial order, conscience demands that aborigines be included as parties to the law of nations. The inclusion of savage societies in such a civilized code may well disrupt and confuse its application, but civilized nations had already disrupted legal certitude with their colonial savagery. Chamerovzow and the humanitarians do not reject anthropological classifications; they still make much out of the view of Maori as a well-advanced indigenous society. But this classification would not be sufficient for aborigines considered generically, which was always the scope of the APS. Nor would it provide enough of a basis for the extensive sort of rights envisaged for Maori. Thus, despite retaining “the simple fact of the existence of the two – that is, of the categories of savage and civilized”, Chamerovzow argues “we should...not upon it establish dogmas which are to be regarded as the foundation of legislation for those we call uncivilized, since it may be found that, by establishing ourselves as a point of comparison, we challenge contrast with other nations, weighed in whose balance we may be found wanting, and, in some respects, even to a greater respect than Savages.”⁵⁸

Chamerovzow, and the APS more generally, can be situated in an evangelical Quaker/dissent tradition of moral politics which Dymond theorized. This political morality underpinned and conditioned the writing of history and the interpretation of law in mid nineteenth-century humanitarianism. For Chamerovzow the legitimacy and

⁵⁷ Ibid.

⁵⁸ Chamerovzow, 210.

authority of international law rests on its claim to a fundamental moral basis, though this abstract question is approached in a context of evangelical political renewal in which the past has been revealed as one of gross moral evil. Ultimately, the contested questions of international law and indigenous peoples must be adjudicated at this an ethical level, in terms of “the strict principle of equity which is the basis of the Law of Nations.”⁵⁹ In the face of conventional imaginaries of savage/civilized, and despite the classifications of ‘stadial history’ either in favour or to the detriment of certain aboriginal peoples, ‘The New Zealand Question’ prompts Chamerovzow to ask the basic question of whether or not European treatment of aborigines is *equitable*. Simply put, this is the question humanitarianism, via its religious reading of history, asks of colonial society.

In terms of the underlying biblical and natural law principle of universal human equality, Chamerovzow thus states; “ We cannot apprehend, in spite of the practice which has hitherto obtained amongst Nations, in reference to the question of an unqualified right by discovery, that its validity can be maintained, on the broad abstract principle of equity, however defensible may be deemed the more subtle political reasons adduced in support of it...”.⁶⁰ Given that the modern international law system is based on a dual, liberal analogy between the nation and the individual, because individuals are naturally free and equal, so then are nations.⁶¹ Similarly, because there are aboriginal individuals who demand to have their freedom and equality respected, the same must be true of aboriginal communities. The protective category of the nation, like that of the right-bearing individual, is posited *a priori* to avoid the “oppression, injustice and inhumanity” that flows, when colonial nations “set up a standard of civilization, and...declare war against all who do not attain to it.”⁶² Or more emphatically and polemically put: “What necessity then for making Might the measure of Right? for violating the sacred right of nations, by disregarding the law that Equity has laid down, that Reason supports, and that Religion invokes in favour of the uncivilized inhabitants of the world?”⁶³

⁵⁹ Ibid., 34.

⁶⁰ Ibid., 26.

⁶¹ See Vattel, *Droit des Gens*, Preliminaries, § 15., and Chamerovzow, 26-8, c/f. Chitty lxi.

⁶² Chamerovzow, 48-9.

Myths of foundation: Shaping New Zealand

The first sections of *The New Zealand Question and the Rights of Aborigines*, where Chamerovzow deals with the political history of New Zealand prior to Waitangi, are the most interesting because it is here that the bones of political theory are laid bare. This reinforces a consistent observation of this thesis: rights theory, for mid nineteenth century humanitarians, is a historical or a historicized and historicizing discourse. To a large extent, shaping the new social order of New Zealand was about shaping its past. For example, the nature of 'British sovereignty' and aboriginal rights in colonial New Zealand, and the interpretation of the Treaty of Waitangi, at an abstract formal level, depend on the legal status of aborigines prior to Waitangi. For the humanitarian shaping of New Zealand, it depended on the writing of histories of colonial bloodshed, exemplary histories of Quaker and missionary settlement, and 'History' – or a particular, religious vision of it – as a language in which the early Victorian 'crisis of civilization' developed.

This emphasis on the concrete and particular underpinning the abstract and noetic of natural rights proponents, is not to the detriment of more subjective dimensions. Imagination is critical, not just to the approach of this thesis, but to the explicit and implicit method of Liberal Anglican and humanitarian historians. In the case of *The New Zealand Question*, the political past, if not a *tabula rasa*, is certainly a conceptual terrain in which the fundamental structures of a New Zealand polity are contested, constructed, and *imagined*. In this sense 'imagination' not only provides nineteenth century writers with a means of accessing the past in sympathetic ways, it also provides a clue to how these historical connections are occasions for envisaging a future for politics. To 'imagine' the past is to exercise a creative, critical faculty, which, precisely because it is creative, looks to 'the new', to create new possibilities for reform and progress in the present, however much it may be necessary to figure the past in foundationalist ways.

⁶³ Ibid., 57.

The moral recognition of aboriginal sovereignty – arguing for its principled basis in the fundamental doctrines of the Law of Nations – is not in itself sufficient. International legal reasoning, though underpinned by abstract moral principle, was importantly precedent-based. As Robert Phillimore explained it, quoting the British Government’s famous answer to Prussia in 1753 on the question of international law; “ ‘The Law of Nations’ is said to be ‘founded upon justice, equity, convenience, and the reason of the thing, and confirmed by long usage.’”⁶⁴ If not ‘long’, Chamerovzow nevertheless sets out to trace the actual recognition of aboriginal sovereignty in the conduct of Great Britain towards New Zealand. This historical project can be seen as an explicitly inventive one, even if one is to utilize a conventional objective/subjective analytic distinction. Leaning towards the latter, one could point to the way in which Chamerovzow shapes a narrative whose selectivity emphasizes those documents and instances where British recognition of aboriginal sovereignty is explicit. Having repudiated, at a discursive level, any claim to a British right by discovery, Chamerovzow then selects moments, “thrice within the present century”, where Great Britain “distinctly recognized New Zealand as not forming any part of the British dominions, the fact being consigned in three separate Parliamentary documents.”⁶⁵ Identified are an act dealing with criminal jurisdiction in the South Pacific in which ‘The Islands of New Zealand’ are classified with “places not within His Majesty’s dominions’, and two other acts relating to criminal law and confirming the shape and boundaries of British sovereignty in the South Pacific as enunciated in the first.⁶⁶ These precedents are realized in the 1838 ‘Declaration of the Independence of New Zealand’, proclaiming “the Independence of our country, which is to hereby be constituted and declared to be an Independent State, under the designation of The United Tribes of New Zealand’.⁶⁷

I do not want to dwell on the specific details of Chamrovzow’s narrative. The point to emphasize here is that even these supposedly ‘objective’ events in colonial history, and apart from the issue of their selection and placing in the construction of historical

⁶⁴ Sir Robert Phillimore, *Commentaries upon International Law*, 15.

⁶⁵ *Ibid.*, 65.

⁶⁶ *Ibid.*, 65-67.

⁶⁷ *Ibid.*, 67-70. Quotation is from the Declaration as reproduced in Orange, 255-6.

narrative, are moments of invention. For example, the 'New Zealand' of the Declaration of Independence' is not the New Zealand of The Treaty of Waitangi, which, for humanitarians at least, was envisaged as including all indigenous territories and not just those of the 'Northern Chiefs'. The inventive shaping of New Zealand, or what Mark Hickford calls the 'making' of New Zealand imperial policy, was necessary quite simply because, as the previous discussion argued, 'aboriginal rights' could not be *simply settled* with recourse to the law of nations.⁶⁸ Humanitarians were caught between demanding a basic cultural pluralism as the condition of a universal political morality, and representing cultural others in British terms to re-cognize them as right-bearing equals.

The very act of 're-cognition', in the strict sense of identifying something that is already known, is ethnocentric. The moral recognition of aboriginal sovereignty was, in some large part, the cultural transformation of indigenous peoples. The 'protective' and 'civilizing' dimensions of humanitarian 'aboriginal rights' are quite intertwined. Motte's *Outline* "for extending to them political and social rights", is simultaneously a "declaration of the indefeasible rights of every people", and a declaration for "raising the character of the aborigines in the scale of humanity, and teaching them to become 'as one of us'...".⁶⁹ In the early 1840s, Hodgkin and the APS planned the British 'organization' of the aboriginal population of New Zealand, while in a more legal vein, Bannister had urged generally that "a system of federal union of the tribes...should be arranged", and "in New Zealand, the first step of amalgamation with many of the tribes will be federal unions with us."⁷⁰

In one sense it is quite correct to see the recognition of aboriginal sovereignty as, according to Motte's schema, prior to the formation of treaties of cession and the extension of British sovereignty. On the other hand, as these latter acts had occurred by the time Chamerovow comes to write *The New Zealand Question and the Rights of*

⁶⁸ See Mark Hickford, "Making 'territorial rights of the natives': Britain and New Zealand, 1830-1847" (Unpublished Ph.D Thesis, University of Oxford, 1999), 3, and *passim*.

⁶⁹ Motte, 13-14, 9-10.

⁷⁰ See Hodgkin/APS, "On the best mode of organizing the population (Aborigines) of New Zealand, so as to advance their progress in civilization" (London: 1844), and Saxe Bannister, *British Colonization and Coloured Tribes* (London: William Ball, 1838) 278.

Aborigines, there is a sense in which Chamerovzow's arguments are a hindsight history of 'the progressive acquisition of sovereignty' in New Zealand.⁷¹ Increased official British activity in New Zealand in the 1830s, that included the drafting of a declaration of independence with Britain in a 'protector' status, the appointment of a resident British representative instructed to direct Maori "towards a settled form of government and...some system of jurisprudence",⁷² and the invention 'the National Flag of New Zealand' (a symbolic case of Chiefs being presented with a number of different flags from which to choose), shape New Zealand as an independent nation destined to be legitimately incorporated into a humane British empire.⁷³ Joseph Phillimore's legal opinion on 'the New Zealand Question', that the Crown had "virtually repudiated and abandoned any such title [right by discovery] by elevating the Chiefs of New Zealand to the rank and condition of a sovereign power...", should thus be read to emphasize the agency of a humanitarian Britain in willfully 'elevating' and constructing the indigenous population of New Zealand into a more recognizable member of the great 'family of nations'.⁷⁴

In hindsight, these British interventions are portrayed as predestined steps to Waitangi. As they can be read to reveal the intentions of Waitangi, if one imagines a history without contingency, it is important, for humanitarians, that these steps are seen as taken for the best of reasons. Chamerovzow's own narrative of the signing of the Treaty of Waitangi is of a piece with his prior political history of New Zealand. He sketches, in some detail, the gradual and *consensual* acquisition of sovereignty by Britain over 'the whole' of the country, and does not just confine himself to the initial signatories at Waitangi. Again, I do not want to enter into the specifics of this history.⁷⁵ Rather, it is enough to observe the basic shape and emphases of Chamerovzow's view of the Treaty. In chronicling the gradual signing of the Treaty, Chamerovzow is above all concerned "that the Reader should note the *progressive* acquisition of the sovereignty, and the mode of it; ...there

⁷¹ Chamerovzow, 113.

⁷² Bourke's instructions to Busby quoted in Orange, 19.

⁷³ See Chamerovzow, chapters III-V generally.

⁷⁴ Ibid., Chamerovzow quoting Phillimore, 62. See the appendix for a the full text of Phillimore's opinion.

⁷⁵ Those who want to follow Chamerovzow's history of the signing of the Treaty and complexities involved with this should see chapters IV-V.

was no advancement of the remotest claim thereto on the place of 'right by discovery', or nay other whatever; the rights of the Crown to the sovereignty being, throughout, made to depend upon the *act of cession*."⁷⁶

Whatever else it might mean, the recognition of aboriginal sovereignty imagined Maori as a legitimate party to an international treaty. Generally, and specifically in the context of Earl Grey's new restrictive approach to aboriginal policy, Chamerovzow was aware that this idea of "Aborigines...in point of political considerations – as the equals of their European civilized brethren" would 'shock' many 'theorists of over-diluted political sensibility'.⁷⁷ When it comes to the actual negotiation and interpretation of the terms of Waitangi, the humanitarian tension between an assimilationist and a pluralist approach to law and politics is most obvious, and perhaps most creative. Centrally, the tension between the first article of the Treaty of Waitangi (in which, for the humanitarians, Great Britain acquires sovereignty over New Zealand through a voluntary cession), and the second article (which guarantees Maori 'the full exclusive and undisturbed possession of their Lands and Estates Forest Fisheries and other properties which they collectively and individually possess'), becomes comprehended in an argument for *limited government*.⁷⁸

In an exhaustive sentence, Chamerovzow presents a critical 'humanitarian reading' of Waitangi;

In a matter of so much importance, it can scarcely be doubted that previously to concluding, or even negotiating for, the Treaty, care was taken to ascertain whether the Natives understood the word 'Sovereignty', *in our sense of it*; but it is clear that the knowledge thus obtained, was not taken advantage of, for it established that the majority understood Sovereignty to imply merely a magisterial jurisdiction, that is, a right on the part of the British Crown to protect them against the evils of irregular settling, and to bring them under civilized law and rule, *modified* to their condition; but they never be made to

⁷⁶ Ibid., 113-4. Emphasis original.

⁷⁷ Ibid., 27-8.

⁷⁸ Quotations from the Treaty are taken from the text as reproduced in Orange, 258-9.

appreciate that peculiar privilege of the Crown's, by which it is asserted that all unoccupied lands vest in it by right of prerogative, and hence their disinclination to accede to the Treaty until they were assured their proprietary rights, *as they understood them* – would be scrupulously respected to their fullest extent; hence, likewise, the special clause in their favour, of 'the full, exclusive, and undisturbed possession of their estates, forests, fisheries, and other properties which they may collectively or individually possess,' &c., the introduction of which fully proved, on the part of those who drew up the Treaty, a perfect knowledge of New Zealand customs, habits and character, and therefore rendered less excusable and more ambiguous the assumption of the '*full Sovereignty*,' when an important exception thereto was flagrant.⁷⁹

This defence of Waitangi against charges, from both sides, that signatory parties were ignorant of the intentions of the other, is based on a deliberately and carefully modified notion of sovereignty. Even though the Treaty (English version) has Maori ceding to the Queen "absolutely and without reservation all the rights and powers of Sovereignty", it was not 'full Sovereignty' (Chamerozvow quoting Hobson) in the sense of a 'sovereignty absolute'.⁸⁰ The Treaty, therefore, establishes a polity limited not only by the normal respect for the rights of citizens (article three), but also a political authority who "acquired the sovereignty as we now possess it – that is, limited by the peculiar proprietary rights of the natives...".⁸¹

Although 'peculiar', these proprietary rights by no means extend the boundaries of international law. Chamerozvow's previous citation of Grotius on the ownership of so-called 'vacant land', established a solid, and relevant defence for the legal orthodoxy of article two. Grotius's comments on the ownership of seemingly vacant land, and particularly his examples of "rivers, lakes, fishponds, forests, and uncultivated

⁷⁹ Chamerozvow, 141-2. Emphases original.

⁸⁰ Ibid., 142, 176.

⁸¹ Chamerozvow, 167.

mountains”, are apposite to the New Zealand question.⁸² Maori would only sign the Treaty if the ‘full, exclusive and undisturbed possession of their lands and estates, forests, fisheries, and other properties’ was guaranteed. “Their *waste lands*”, so-called by some colonials, clearly “have an assignable value”.⁸³ Their “fern-lands are not “wastes as Earl Grey defines them”, as is the case with their ‘flax-swamp’, ‘wood-land’, ‘pig-runs’, ‘rivers’, ‘lakes’, ‘duck and eel ponds’, and ‘potatoe-grounds’.⁸⁴ Writing eight years after the signing of the Treaty, Chamerovzow claims; “The framers of it knew very well, that the Natives claimed ‘every inch of the soil’ of the Islands, and that except every inch of it were secured to them, all attempts to establish the authority of Her Majesty, as Sovereign of the country, would prove abortive.”⁸⁵ So extensive is the clause guaranteeing these rights that it must be read as modifying and limiting what political power was ceded, and what sovereignty was gained, at Waitangi.

While there is no doubt, in the humanitarian conception, that sovereignty had been ceded – that the Queen of Great Britain is ‘the sovereign’ in the territory of New Zealand by way of cession – Chamerovzow does argue that what was ceded was not absolute sovereignty, but what he calls ‘magisterial jurisdiction’.⁸⁶ This, he argues, was the Maori (and the framers’) understanding both prior to and after Waitangi. For Chamerovzow, this “apprehension of the term ‘sovereignty’ limited as it was by the second article of the Treaty”, finds its “most graphic...most poetic, and...most logical” explanation in the speech of ‘Nopera’ (‘one of the Kaitai Chiefs’); “The shadow of the land goes to Queen Victoria, but the sustenance remains with us.”⁸⁷ More legalistically, ‘magisterial jurisdiction’, or the ‘shadow of the land’, is understood as “a right on the part of the British crown to protect them against the evils of irregular settling and to bring them

⁸² See Chamerovzow, 41-2, and ‘Opinion of Shirley F. Woolmer, Esq.’, in ‘Appendix of The New Zealand Question’, 23.

⁸³ Chamerovzow, 410-11.

⁸⁴ Ibid. See Chamerovzow, 182-216, for a rebuttal of the ‘Arnoldian’ theory of property ownership through agricultural labour, and chapter four of this thesis for a discussion of it.

⁸⁵ Ibid., 168.

⁸⁶ Ibid., see 141, 155.

⁸⁷ Ibid., 153.

under civilized law and rule...”, though the extent of this power is limited by an underwritten guarantee of Maori proprietary rights as broadly conceived.⁸⁸

Recognizing this interpretation as a source of dispute in an early colonial society now increasingly assertive in land acquisitions, Chamerovzow again appeals to the law of nations to protect such ‘aboriginal rights’. The earlier repudiation of right by discovery, and present assertion of the Treaty of Waitangi as a treaty of cession, not only gives Maori certain privileges as negotiated in the treaty, but also certain privileges in international law as ‘the ceding party’.

With reference to the sense in which the terms of the Treaty have been understood, the New Zealanders cannot surely be blamed for comprehending them in the only sense that those terms will bear. Did there, however, exist any real ambiguity in them, the Law of Nations gives the benefit of the doubt to the parties ceding, according to them the privilege of putting their own construction upon the doubtful clause; said construction being limited, of course, by the evident intent and purport of the compact.⁸⁹

This principle is affirmed in Joseph Phillimore’s legal opinion;

...if any interpretation of any seeming ambiguity should be required, all the rules applicable to construction would exact that it should be given in favour of the State making the concession, especially in a case where the practiced intelligence and varied experience of the one contracting party is contrasted with the primitive simplicity and rude inexperience of the other.⁹⁰

As Chamerovzow concludes, “if the Treaty has been misunderstood, it is not by the New Zealanders, who regard it as a guarantee of their peculiar proprietary rights, but by the

⁸⁸ Ibid., 140-143.

⁸⁹ Ibid., 172-3.

⁹⁰ Ibid., see ‘Opinion of Joseph Phillimore’ in ‘Appendix to the New Zealand Question’, 7-8.

Colonial authorities, who would appear desirous of acquiring more than the terms of the compact entitle them to.”⁹¹

On the subject of the interpretation of treaties, and the risk this posed for indigenous peoples, the 1837 parliamentary *Report of Aborigines* concluded; “as a general rule...it is inexpedient that treaties should be frequently entered...”, given that in disputes “the cupidity of the more powerful body may be excited, [and] a ready pretext for complaint will be found in the ambiguity of the language in which their agreements must be drawn up, and in the superior sagacity which the European will exercise in framing, in interpreting, and in evading them.”⁹² The APS dissented at the time, and its argument for treaties is now refined by Chamerovzow. In terms of New Zealand, treaties are upheld as the only means in international law by which a protective incorporation of indigenous peoples can be legitimate (discovery and conquest being wholly immoral forms of title). Further, they offer a constitutional form in which indigenes can negotiate the retention of those customary rights and possessions that they value, and, ideally, the means by which government is limited and obligated, in terms of the observance and promotion of ‘aboriginal rights’. Finally, to answer the reasonable concerns of the parliamentary report, international law, while recognizing the rational ability of aborigines to make treaties, also recognizes the power disparities inherent in treaties of cession, and thus offers a protective bias towards the ceding party in interpreting the terms of a compact.

Any interpretation, nevertheless, must be within the ‘evident intent and purport of the compact’. Despite substantial concessions to the ‘peculiar proprietary rights of the natives’, the larger concession, that of national independence, is made by ‘the New Zealanders’. However, the loss of full sovereignty is not a cause of regret for the APS. As “British Subjects”, most obviously, Aborigines are “incompetent to hold *independent territory* – that is, territory subject to no sovereign jurisdiction...”, which favourably confirms British protectorship against the advances of settlers and foreign nations in the

⁹¹ Ibid., 143.

⁹² British Parliament, *Report of the Select Committee on Aborigines (British Settlements)*, two volumes, Imperial Bvlu Book 1837 nr VII. 425 (Cape Town: C. Struik, Facsimilie Reprint 1966) 80.

Pacific.⁹³ This responds to what Chamerovzow portrays as an indigenous call: "...we find that Aborigines were themselves violently opposed to French supremacy...[and] entertained a strong desire for the protection of British government".⁹⁴ The sovereignty that Maori ceded and Great Britain now possesses – 'magisterial jurisdiction' – is thus defined as a legislative authority to make binding laws designed to "to protect them against the evils of irregular settling, and to bring them under civilized law and rule, *modified* to their condition...".⁹⁵ Although limited, it should be emphasized that sovereignty-as-magisterial jurisdiction is not understood by the humanitarians as some minimalist government that ensures a *de facto* national independence of Maori. By the mid/late 1840s, the APS conceded that a full-scale colonization was inevitable, moving beyond Hodgkin's earlier vision of minimum European settlement.

Instead of an ad hoc, plastic aboriginal policy to be abused by those wielding more coercive power, Chamerovzow and the APS advocated a planned, systematic colonization in which the rights of Maori are constitutionally embedded in the foundation of government. They envisaged these rights as not just negative liberties – that is, the limitation on the exercise of government power – but as a positive duty to actively protect and pursue an equitable society. While the Treaty of Waitangi's negative capability is quite apparent, the humanitarians also saw it as the positive foundation for an aboriginal citizenship. Magisterial jurisdiction as a sovereign power to bring indigenes 'under civilized law and rule, *modified* to their condition', despite being limited by the extensive 'peculiar proprietary rights of the natives', provided a basis for the sort of citizenship outlined by Motte. That is, it would be one in which aborigines would be protected and empowered in the new social order through the 'cultivating' institutions of education, religious instruction, and health. Further, in terms of a public law 'modified to their condition', it would include 'special laws' designed to ensure indigenous participation in justice and self-governance, and to preserve a continuity of cultural forms, such as chiefly authority, where these were deemed essential to indigenous welfare.

⁹³ Chamerovzow, 158.

⁹⁴ *Ibid.*, 166-7.

⁹⁵ *Ibid.*, 141-2.

This active commitment to making citizens, is, for Chamerovzow, demanded by the terms of Waitangi. Sometimes this vision appears radically assimilationist. For example, Chamerovzow hoped for government committed to “educating the Natives, and...promoting their political organization, so as by degrees to wean them from their rude habits, to incorporate them with our own Saxon or Celtic races, and bring them to understand and appreciate the benefits and the advantages of our institutions...”.⁹⁶ However, partly because the APS’s humanitarian principles are founded in a Quaker-Christian moral radicalism, partly because its notion of civilization was pre-eminently that of moral, intellectual, and religious culture, and partly because its universalistic anthropology and natural rights emphasized the innate rationality of ‘savages’, this assimilation was only legitimate if it were peaceful and consensual. For postcolonial critics this may be a more insidious form of colonialism – a ‘colonization of imagination’.⁹⁷ However, it was also one whose commitment to aborigines as citizens, as subjects who in the Aristotelian sense share in both being ruled and in ruling,⁹⁸ provided a grounds for political resistance and power-sharing. Having delivered a long critique of the Charter of 1846 and its accompanying letter of instructions, the final words of *The New Zealand Question and the Rights of Aborigines* re-turn the colony to Waitangi, for a vision of a peaceable, co-operative society;

Referring now to the measures which Government ought to take for the advancement of New Zealanders, it cannot be doubted, that having conceded to them all the rights and privileges of British subjects, they are entitled forthwith to be put in possession of them; and one of the first of these ought to be their admission to a share in the local Government...It is not a question of expediency to lose no time in promoting their social advancement, but one of sound policy; for, whilst we make use of Nene, Waka, Te Whero Whero, and such Chiefs, to aid us in quelling rebellion, it seems only bare justice to

⁹⁶ Ibid., 215-6.

⁹⁷ On this, see Jan Nederveen Pieterse and Bhikhu Parekh, “Shifting imaginaries: decolonization, internal decolonization, postcoloniality”, in Pieterse and Parekh (ed.) *The Decolonization of Imagination: Culture, Knowledge, and Power* (London: Zed Books, 1995).

associate them in council upon matters of general importance to themselves and to the Colony.⁹⁹

New Zealand and the humanitarian imagination

The future of such a vision in terms of early colonial New Zealand is not within the scope of this thesis. It is enough to note that, for the pacifist APS, the New Zealand Wars were a disaster. Yet even in the crises of the 1840s, with Earl Grey's restrictive approach to aboriginal policy, the humanitarians were turning attention back to Waitangi. Back, that is, to the exemplary ideal within history, and thus, in the process, mything the past. For Phillimore, the Treaty of Waitangi "is to be considered as the cornerstone on which all our relations with the islands of New Zealand, must be founded", while Woolmer stated "that the Treaty of Waitangi must form the basis from which the rights and interests both of the Crown of England and the Natives of New Zealand must be ascertained."¹⁰⁰ In the official history of the APS, Henry Richard Fox-Bourne used a well-versed English ideal to frame the constitutional significance of Waitangi: "...this treaty [was] the Magna Charta of the Maoris...".¹⁰¹

Waitangi thus fits into a broader APS natural rights philosophy of limited government and social contract. In terms of the latter, the APS had argued, and distinctively in the humanitarian 1830s, that "treaty or compact is natural to man in every state; it arises out of his social condition...and the Caffre or the Indian are as capable of understanding the nature of a treaty, when it is plainly stated to them, as the civilized man."¹⁰² While analogies with British constitutional history are important – for example, the treaty as the Magna Charta – important historical comparisons were also drawn with less conventional

⁹⁸ On Western ideals of citizenship and indigenous peoples, generally and more specifically in terms of Australia, see John Chesterman and Brian Galligan, *Citizens Without Rights: Aborigines and Australia Citizenship* (Cambridge: Cambridge University Press, 1997), 1-10.

⁹⁹ Chamerovzow, 415-6.

¹⁰⁰ Ibid., 181.

¹⁰¹ Fox-Bourne, 24.

¹⁰² APS, *Report of the Parliamentary Select Committee on Aboriginal Tribes (British Settlements)*, reprinted with comments by the "Aborigines Protection Society" (London: William Bell, 1837), 122.

examples of founding order.¹⁰³ The image of early Pennsylvania, founded by a famously honored treaty, characterized by natural right, limited government, and 'special laws' for indigenes, and devoted to a radically pacific and Christian colonization, was a consistent motif of humanitarian literature, and a familiar humanitarian 'golden age' used to figure and myth the foundation of new colonial society.¹⁰⁴

Penn and Pennsylvania are invoked as evidence of God's Providence for a principled Christian politics in the early nineteenth-century writings of Jonathan Dymond and Thomas Clarkson.¹⁰⁵ In the 1830s, in Hodgkin's evidence to the select committee and in Howitt's and Bannister's histories, early Pennsylvania is upheld as an exceptional and inspirational example of Christian politics and colonization (though Bannister, the non-Quaker, is more subdued than the others), while a desire to move beyond it towards a more active civilizing ideal is also signaled.¹⁰⁶ In subsequent documents – in Hodgkin's *On the British Colonization of New Zealand*, and in Chamerovzow's *The New Zealand Question and the Rights of Aborigines* – Pennsylvania is repeatedly cited in an attempt to re-orient aboriginal policy in early colonial New Zealand.¹⁰⁷ Importantly, in the latter, Chamerovzow emphasizes Vattel's own citation of Pennsylvania in an effort to redeem international law from what Chamerovzow considers is its restricted, one-sided

¹⁰³ On British constitutional history and nineteenth-century New Zealand, see P.G. McHugh, "Australian Narratives of Constitutional Foundation", in Klaus Neumann, Nicholas Thomas, and Hilary Ericksen (eds.), *Quicksands: Foundational histories in Australia and Aotearoa New Zealand* (Sydney: University of New South Wales Press, 1999), and P.G. McHugh, "A History of Crown Sovereignty in New Zealand" in Andrew Sharp and Paul McHugh (eds.), *Histories, Power and Loss: The Uses of the Past – A New Zealand Commentary* (Wellington: Bridget Williams, Books, 2001).

¹⁰⁴ On the importance of golden age myths in the history of a nation's political foundation, see Anthony D. Smith, *The Ethnic Origins of Nations* (Oxford: Blackwell, 1986), "The 'Golden Age' and National Revival" in Geoffrey Hosking and George Schöpflin (eds.) *Myths and Nationhood* (London: Hurst and Company, 1997), and "Social and Religious Origins of Nations" in Desmond M. Clarke and Charles Jones (eds.) *The Rights of Nations: Nations and Nationalism in a Changing World* (New York: St. Martin's, 1999).

¹⁰⁵ See, for example, Dymond, *An Inquiry into the Accordancy of War with the Practices of Christianity* (New York: Garland, 1973 reprint [orig. pub. 1823]), passim, and *Essays on the Principles of Morality and on the Private and Political Obligations of Mankind* (1829), Vol. I, 146-7, Vol. II, 456-471, and Thomas Clarkson, *A Portraiture of Quakerism* (London: Longman, Hurst, Rees and Orme, 1806), Vol. III, 173, 373, and *Memoirs of the public and private life of William Penn* (London: C. Gilper, 1813), passim.

¹⁰⁶ *Report on Aborigines* (1837), "Appendix, No. 2: Paper (A.) referred to in the Evidence of T. Hodgkin", 113-121. William Howitt, *Colonization and Christianity: A Popular History of the treatment of the natives by the Europeans in all their Colonies* (London: Longman, Orme, Brown, Green, and Longmans, 1838), 356-366, Saxe Bannister, *British Colonization and Coloured Tribes* (1838), 75-96.

application, and towards a broader, tolerant, and radically moral recognition of aboriginal property rights. Pennsylvania, or the idea of it as gesturing towards ‘the peaceable kingdom’ of the millennium,¹⁰⁸ provided the Quaker-nonconformist humanitarian imagination with an authentic and exemplary instance of cultural co-existence between British settlers and indigenous peoples. Importantly, in distinguishing the APS’s vision from other evangelical actors at the period, it was an ideal society that was both religious and secular; being more than just a missionary community, a commercial and political colonial society founded and shaped according to a sacred compact between settlers and aborigines.

The humanitarian shaping of New Zealand – the invention of a myth of benevolent and exemplary race relations embedded in the foundations of society – thus utilizes and constructs a necessarily global political geography. Conversely, New Zealand occupies a central place in the humanitarian international order, being the first, new colonial society in which it worked out its vision of rights, citizenship, and political community. The writing of New Zealand in humanitarian texts of the 1840s, responded to a particular New Zealand colonial debate, but there was a broader imperial atonement at stake. Whereas the 1833 emancipation of slaves atoned for the wrongs committed against ‘the negro’, the righting of New Zealand, in the vision of just political foundations, further elaborated a humanitarian myth of British race relations. This myth was, in Hodgkin’s words, one of “England” being the country “that the world looks to for an example in the treatment of coloured races”.¹⁰⁹ In the case of the Aborigines Protection Society and New Zealand, the British humanitarian movement sought to provide an exemplary ideal for the redemption of European colonialism in terms of the wrongs committed against ‘the aborigine’. Underpinning this myth is another, one that provides the religiosity of the first. It was the humanitarians’ belief that the reform of empire was predicated on the regeneration of British society and politics; its return, and progress towards, the ideals of a liberal, evangelical Christianity. As I noted in earlier chapters, the underlying doctrine

¹⁰⁷ See Hodgkin/APS, *On the British Colonization of New Zealand*, 18-19, 34-35, and Chamerovzow, 38-39, 183, 202-4.

¹⁰⁸ See Isaiah 11: 1-9.

of atonement was structured around a logic of example and representation – Christ being the representative and exemplar for humanity – and this imprinted the imperial politics of atonement. In this sense, ‘the New Zealander’ (Maori) and ‘England’, become representative and exemplary symbols for the future of ‘the aborigine’ and ‘civilization’.

¹⁰⁹ Thomas Hodgkin, “On the Practicability of Civilizing Aboriginal Populations”, *The Monthly Chronicle*, 2, 1839, 1.

7. Imagining humanitarianism

IV *The Idea of a Colony*

Nota: his soil is man's intelligence.
That's better. That's worth crossing the seas to find.
Crispin in one laconic phrase laid bare
His cloudy drift and planned a colony.
Exit the mental; moonlight, exit lex,
Rex and principium, exit the whole
Shebang. Exeunt omnes. Here was prose

- Wallace Stevens, 'The Comedian As The Letter C'

Humanitarianism and the historical imagination

The label 'humanitarian', however anachronistic, has been used pragmatically throughout this thesis. The term has become a commonplace in historical treatments of the early Victorian period, often to the detriment of understanding the motivations and ideas of those it labels. While attempting to articulate the ideas of such figures as Jonathan Dymond, Thomas Hodgkin, William Howitt, and L.A. Chamerovzow, on and in their own terms, I have nevertheless used the general term if only to provide a point of contact with previous historiography. This thesis began by arguing that a reconsideration of what Buxton called the 'Great Colonial and Aboriginal Movement', should most broadly involve taking religion seriously as a site of intellectual culture and complexity. While not ignorant of the religious dimension of colonial reform in this period, previous historians – Keith Sinclair in particular – failed to trace the structure of 'humanitarian' discourse in a sensitive way. Framing religion, and the APS, in entirely non-rational categories – as 'sentimental', 'sympathetic', 'sincere', 'self-sacrificing', 'enthusiastic', and 'excitable' – the humanitarians were treated as intellectually thin because they were religious.¹

¹ Keith Sinclair, "The Aborigines Protection Society and New Zealand: A study in nineteenth century opinion" (M.A. Thesis, University of New Zealand, Auckland, 1946), 3, 13, 21, 25, and *passim*.

Despite this lack of understanding of religious-intellectual culture, Sinclair, and one could also mention British historians such as George Mellor, nevertheless accorded 'humanitarianism' and 'evangelicalism' a significant place in the development of a reformed imperial policy in the early Victorian period.² Mark Hickford's recent study on imperial policy and Maori 'territorial rights' makes an important contribution by highlighting the weaknesses of this scholarship. Having exhaustively researched imperial records during the early colonial period, Hickford argued that "the generality of a reference such as the 'humanitarian spirit' of the age remains analytically insufficient for explaining the development of imperial conceptions concerning aboriginal proprietary rights in New Zealand."³ While not dismissing the abstract importance of evangelicalism, Hickford's strategy is to nuance the connection between 'humanitarianism' and imperial policy. In a Pocockian manner, he proposes to refocus attention on "various intellectual languages deployed in contests of political relations and processes" that "mediated an amorphous 'humanitarianism' and evangelicalism."⁴ As Hickford's primary focus is imperial policy or "the political practices of Westminster", such an approach is understandable. However, while it establishes a more complex and contestable environment of imperial policy making in terms of indigenous peoples, it remains arguable whether the connections between the evangelical 'age of atonement' and the development of indigenous rights are further enhanced.

Hickford's critique of 'humanitarianism' is a half-one. While he correctly rebukes previous historians for their lack of attention to the specifics of imperial policy, and despite his reading of primary sources and secondary works such as the studies of Boyd Hilton and Richard Brent, Hickford largely accepts a rather anti-intellectual portrait of religion. The old Sinclairian portrait, a secular-modern historiography in which humanitarianism is framed in terms of 'sympathies' or a 'spirit' (of the age), is

² Sinclair, "The Aborigines Protection Society and New Zealand", 4-5, 8, 11, 118, 132, *A History of New Zealand* (Auckland: Penguin Books, 1980 revised edition [orig. pub. 1959]), 50-69, "Why are Race Relations in New Zealand Better than in South Africa, South Australia or South Dakota?", *New Zealand Journal of History*, Vol. V, No. 2, 1972, *passim*. George Mellor, *British Imperial Trusteeship, 1783-1850* (London: Faber and Faber, 1951), 13, 414-417.

³ Mark Hickford, "Making 'territorial rights of the natives': Britain and New Zealand, 1830-1847", Unpublished Ph.D Thesis, University of Oxford, 1999, 5.

⁴ *Ibid.*, 6.

reproduced.⁵ Humanitarians, in this approach, only become proper subjects for intellectual history when they are seen speaking a recognizable, secular language of politics. In Hickford's words; "scavenged idioms regarding *ius gentium* and an early nineteenth century understanding of modal or stadial histories mediated a mist-ridden evangelicalism or 'humanitarianism' in debating aboriginal proprietary rights for Maori."⁶

As this thesis has discussed, in terms of humanitarians connected with the Aborigines Protection Society, 'stadial' or modal history was of fairly marginal importance. Historical discourse was important, but it was one more structured by what Forbes has called 'the Liberal Anglican idea of history', and, moreover, underpinned by the logic and trope of atonement. Certainly, it drew on 'stadial assumptions' such as where Hodgkin and Chamerovzow utilized the anthropological classification of Maori as relatively well-advanced amongst uncivilized peoples to further idealize New Zealand. But the humanitarian conception of history – of the progress of 'civilization' as the transmission of moral and spiritual culture, and its concomitant critique of the savagery of developed European society – turned on other hinges and undercut the material preoccupations of 'stadial history'. Second, humanitarians indeed looked to international law to imagine and defend aboriginal rights, but, as detailed in chapter six, their interpretation and construction of *ius gentium* was largely determined by extra-legal questions of morality and history. As prefaced in chapter one, while the APS spoke in recognizable political languages of international law and enlightenment anthropology, making them the primary focus will not reveal the way in which they were accented.

This is not to say that Hickford's model, in terms of the actors this thesis has studied, can be corrected by adding another 'discourse', or substituting 'stadial history' for the histories of atonement. First, Hickford's approach may illuminate the intentions of other important actors in this period, which are beyond the scope of my inquiry. Second, though not eschewing the basic insights of a linguistic approach to ideas, it is hard to

⁵ Ibid., 6, 13.

⁶ Ibid., 17.

accommodate the language of nineteenth-century ‘humanitarians’ within the structure of a Pocockian concept of political language as a discrete, shared discourse.⁷ As Mark Francis and John Morrow have concluded: “Nineteenth-century political thinkers occasionally refer to aspects of one another’s work, but they were not voices engaged in communication. They were not constructing a discourse, or even a variety of discourses.”⁸

If Hickford’s designation of humanitarianism as “mist-ridden” tells us more about historical analysis, or the lack of fit between methodological ideas and nineteenth century religio-intellectual culture, perhaps the resistance of ‘humanitarianism’ to being classified in an identifiable, common ‘political language’ says something about the limitations of history of political thought. While the notion of ‘political languages’ can be fruitfully deployed in the identification of, say, a language of republicanism or natural rights theory, the sort of values that animate more culturally marginal, faith-based actors and communities, though often radically politicized, are more invisible as ‘intellectual history’. My preference, to approach ‘humanitarians’ in terms of their ‘imaginings’ or ‘imagination’, was a deliberate attempt to study their ideas more on their own subjective level, while emphasizing, as Hickford’s study observed, that aboriginal rights in this period were ‘processual’. In other words, a creative, resourceful process of ‘making’ – or ‘imagining’, to take a more subjective approach – rather than an application of sufficient, existing legal doctrine.⁹

⁷ On Pocock and political language see, for example, Pocock’s “The concept of language and the *métier d'historien*: some considerations on practice” in Anthony Pagden (ed.), *The Languages of Political Theory in Early Modern Europe* (Cambridge: Cambridge University Press, 1987).

⁸ Mark Francis and John Morrow, *A History of English Political Thought in the Nineteenth Century* (London: Duckworth, 1994), 3.

⁹ See Hickford, i, 3, 14-15.

A constellation of imaginings

Attempting to avoid the pitfalls of a secular-modern New Zealand historiography – which are many for a nineteenth century, religious subject dealing with English thought – this thesis, in chapter two, began by reviewing the early nineteenth century backdrop to Victorian philanthropy. Highlighting Boyd Hilton's broad thesis that evangelicalism played a significant role in the public-intellectual culture of the first half of the nineteenth-century, the doctrine of atonement that was the 'hinge' for this 'age' was further elaborated in terms of the logic and rationale of its redemptive scheme. While this was important in later understanding the dynamics of the aborigines protection movement, more broadly it underscored the political and religious climate of the early nineteenth century. Evangelicalism was certainly the broader frame in which early Victorian humanitarianism was located, but within this reform complex, as I noted in chapter one, Quakers occupied important positions of leadership. This was especially true of the APS with its 'father and founder' Thomas Hodgkin, presidents such as Samuel Gurney and H.R. Fox-Bourne, and financial membership (including wealthy Quaker families like the Gurneys, Barclays, and Cadburys), which was representative of the strong Quaker dimensions of Victorian philanthropy. The emergence of the APS coincided with a period in religious history when evangelicalism and Quakerism, through their late eighteenth-century alliance in the antislavery movement, were cross-fertilizing and opening to the ideas of each other.

Chapter two – "Prefiguring the Aborigines Protection Society" – outlined some early nineteenth-century evangelical-Quaker antecedents through a textual discussion of Thomas Clarkson's *A Portraiture of Quakerism* (1806), and Jonathan Dymond's *Essays on the Principles and on the Private and Political Rights and Obligations of Mankind* (1829). This demonstrated an increasingly politicized Quakerism, and a nonconformist-evangelical intellectual sub-culture rethinking a Christian politics for the nineteenth century. More pointedly, for the thesis, Clarkson's work illustrated the genre of 'moral history' in which parts of the Quaker past became idealized as exemplary for a principled nineteenth-century politics. A reading of Dymond's ethics showed that prefiguring and

informing Victorian philanthropic-reform movements – such as the peace movement, constitutional liberalization, and the protection of indigenous peoples in the British empire – was a sophisticated, anti-secular political philosophy. It was one in which the will of God as communicated in the moral law of the New Testament and human conscience, was upheld as the criterion against which secondary standards of human conduct – for example, ‘the doctrine of utility’, the ‘law of the land’, the ‘law of nations’, and the ‘law of nature’ – were assessed. Dymond’s interpretation of the moral law, conditioned by his Quaker faith, thus ensured a radical peace ethic was at the heart of his Christian political morality. In politics, despite emphasizing the primacy of individual conscience, this ‘radical Christian moralism’ outlined a Christian communitarianism that eschewed revolutionary radicalism, and sought a broad British ecumenism in the moral reform of the nation.

Having sketched an intellectual backdrop to nineteenth-century Quaker-evangelical politics, chapter three – in the context of “The atonement of history” – traced the emergence of the aborigines protection movement. In this chapter I looked to the importance of a ‘humanitarian sense of history’ as underlying the emergence and shape of the APS. As David Brion Davis noted, the 1833 emancipation act recalled “myths of death and rebirth...designed to revitalize Christianity and atone for national guilt.”¹⁰ ‘History’ was experienced both in the sense of the damning record of national evil and violence, and a new, pacific age of imperial reform and liberation for oppressed peoples. In this vision of atonement and regeneration, ‘the aborigines’ cause’ was upheld as the successor to that of the negro. Drawing attention to the genre of ‘moral history’, to the ethics that characterized the exemplary (missionary and Quaker Christianity) in history, and to the doctrine of atonement that framed such imaginings, the chapter surveyed the humanitarian re-presentation of colonial history in such texts as the *Report of the Select Committee on Aborigines* (1837), William Howitt’s *Colonization and Christianity* (1838), and Saxe Bannister’s *British Colonization and Coloured Tribes* (1838). I argued that, in the politics of imperial reform, humanitarian histories embody and elicit a rite of national confession. They construct and disclose an historical knowledge of moral evil –

¹⁰ David Brion Davis, *Slavery and Human Progress* (Oxford: Oxford University Press, 1984), 118-28.

of the dispossession and decimation of indigenous peoples – which is performed as part of the broader regeneration of imperial (British and aboriginal) society. In other words, and to stress the ‘visionary’ aspects of humanitarian thought, they looked to a rebirth of empire, a new era born in the midst of the death of the old colonial system.¹¹ Understanding this religious schematic and language is significant in that through it the imaginaries of ‘savage’ and ‘civilized’ became disrupted, preparing the ground for, or concomitant with, a rethinking of imperial policy.

“The regeneration of the savage” (chapter four) consolidated the connections between history and the aborigines protection movement. It emphasized the rationality of humanitarian thought, noting dissimilarities with ‘stadial history’, through a comparison with what Duncan Forbes has identified as the ‘Liberal Anglican idea of history’ that developed in the early Victorian period. Like the Liberal Anglicans, humanitarians mixed romanticist and evangelical themes; appealing to imagination and the spirit of the nation in history, but never allowing a radical idealism to abolish the individual, or a radical historicism to reject universal moral principles. Further, an early Victorian ‘crisis of civilization’ troubled and stimulated the APS. Like the Liberal Anglican concept of true civilization, the humanitarian sense of it as moral and spiritual culture was a critique of the historical record, a reaction to triumphal notions of ‘progress’ as material development, and an evangelical call for national regeneration. Above all, it was ‘History’ founded on an unconditional sense of Providence, rather than an unqualified faith in progress.

In humanitarian polemics, as ‘civilization’ became purified into a moral concept, so too did ‘savagery’. Writers such as William Howitt, Saxe Bannister and Louis Alexis Chamerovzow condemned the crude immorality of aboriginal cultures, but were more concerned to emphasize the moral savagery of colonialism. If such confessions, made in light of the historical treatment of indigenous peoples, had brought humanitarians to a

¹¹ See, for example, the concluding chapters of Saxe Bannister’s *British Colonization and Coloured Tribes* (London: William Ball, 1838), and William Howitt’s *Colonization and Christianity: A Popular History of the natives by the Europeans in all their Colonies* (London: Longman, Orme, Brown, Green, and Longmans, 1838).

realization of 'the savage within', the fate of indigenous peoples was dependent on the regeneration of the British national body, on a rededication of the public self to evangelical principles. As chapter four concluded, humanitarians looked to save the aborigines, for whom Providence had made them responsible, by reconstructing 'the savage' as a subject of Victorian philanthropy. By sympathetic appeal to an evangelical public imagination – through a religious “combination of guilt and compassion”¹² – indigenous peoples, like other oppressed groups in society, were to be protected and improved through their incorporation into a moral-political community of citizens. This further expanded the geography of Victorian philanthropy, and the scope of 'citizenship'. In a time when “philanthropists showed remarkable imagination in extending the bounds of citizenship” towards the democratic inclusion of previously marginalized social groups,¹³ the APS demonstrated and required an equally remarkable imagination in making citizens out of “the people with embarrassing names on whose behalf it appeal[ed], or about the places, with names as embarrassing, in which they lived.”¹⁴

Following the critique of nationalist historiography made in chapter one, chapters two to four of the thesis, therefore, attempted to understand the APS in terms of its local intellectual and political culture. However, a tight division between 'England' and 'New Zealand' is untenable, and really just another instance of nationalist categorizations. New Zealand was important to the APS, and it has been the concern of chapters five and six of this thesis to demonstrate this. In this sense, the APS is important to a history of 'New Zealand'. Whether humanitarianism is important to New Zealand history and race relations to the degree that Sinclair argued, is a question that this thesis has not attempted to answer. Rather, taking up some of Keith Sinclair's provocations – principally, his claim that the humanitarians (APS) were one of the three main groups in the war of ideas in the colonization of New Zealand, but lacked intellectual coherence – the thesis has explored these with reference to a broader humanitarian literature of the mid-nineteenth century. In arguing that the APS had ideals of imperial reform that were both distinctive

¹² Brian Harrison, “Philanthropy and the Victorians”, *Victorian Studies* (9), June 1966, 358.

¹³ *Ibid.*, 361-2.

¹⁴ H.R. Fox-Bourne, *The Aborigines Protection Society: Chapters in its History* (London: P.S. King, 1899), 1.

and discursive, I have attempted to contextualize with greater depth those aspects of 'humanitarianism' that Sinclair recognized as unique to the APS and central to early colonial New Zealand, but failed to analyze adequately.

Taking religion seriously as a site of intellectual culture enables a more complex understanding of the dynamics animating debates on imperial policy and New Zealand. The appearance of the 'Great Colonial and Aboriginal Movement', and its institutionalized in the form of the Aborigines Protection Society, occurred during a time in history when the colonization of the islands of New Zealand was being discussed and pursued. Chapter five – "Vanishing savages and the aboriginal citizen" – considered humanitarian literature written during the late 1830s/early 1840s, and looked to the elaboration of humanitarian thought in conversation with antipodean developments. The humanitarian sense of history – of death and rebirth, of a decisive moment of conversion in the course of chronological watch-time – provided a means of negotiating the impasse of 'the New Zealand question'. As Sinclair noted, within the general context of 'aboriginal rights', the humanitarians were distinctive in their vision of a colonial society that attempted to reconcile the dark and destructive history of colonization, with a belief in the preservation and progress of indigenous peoples. Although their critique of civilization and colonization was a damning one, it simultaneously envisioned the redemption of both. Indeed, the future survival of aboriginal societies depended on their incorporation into 'civilization', and colonization was the means for transmitting this. For Thomas Hodgkin, and against the backdrop of the proclaimed extinction of indigenous peoples, the history of true civilization was one whereby uncivilized nations became progressively incorporated and improved. This diversified and enriched civilization through adding new cultural forms and knowledges to the common community.

The critical revisioning of civilization and colonization became worked out in the new colony of New Zealand. The indigenes of New Zealand were considered relatively advanced, but more generally New Zealand fitted into a nineteenth-century 'Pacific' that was, in humanitarian literature, imagined in both pessimistic and optimistic ways. The

'South Sea Islander' was presented as both naturally depraved and naturally good – opposites that became reconciled in the image of the aborigine as eminently *convertible*. This ideal was also a self-critique. Because Providence had given the British Empire a large responsibility for the world's indigenous peoples, the conversion of the savage was predicated on a conversion of British society and a rededication of public life along Christian principles. The views of the humanitarians were thus close to 'missionary Christianity'. However, their political focus – their affirmation of a secular colonial polity in which British settlers and indigenes could live alongside each other – was distinctive and more pronounced. This led humanitarian writers such as Thomas Hodgkin, Standish Motte, and L.A. Chamerovzow to outline such an ideal using conventional political languages. Natural rights and international law were invoked in the construction of a colonial society in which the aborigine would be politically regenerated as a *citizen* with rights, even special rights, as such. Most of all, this political community would be legitimately founded in terms of a consensual social contract, and ordered with reference to this original vision. This would provide an exception to the rule of colonial history bar one; the Quaker colony of Pennsylvania whose imaginative presence was, however implicit, a persistent and meaningful motif of nineteenth-century humanitarian literature.

Utopia and The Peaceable Kingdom

Highlighting the image of Pennsylvania allows the thesis to observe a fundamental aspect of humanitarian 'idealism'. However future-oriented, humanitarian thought was worked out in an historical discourse, in terms of a specific understanding of the past. The atonement, and the eschatological dynamic of evangelical Christianity, provide interconnecting frames in which the paradoxes of humanitarian thought and concern could be reconciled. The death of British colonial history could become a rebirth of nation and empire, pagan immorality could become Christian reform, the dispossession of the aborigine could become restoration, extinction could become new life, the old system could give way to the new era, the other could become the self and savagery

could become civilization. 'The ideal' did not require a renunciation of 'the real'. Rather, in the redemptive scheme of atonement, and within a postmillennial eschatological religion that "always lives in memory and anticipation"¹⁵, the golden future is necessarily born out of the dark, suffering past.

The peaceable kingdom of nineteenth-century humanitarianism provides one sort of answer to a question Jonathan Lamb has proposed. In light of the conflict between the 'Utopian' Wakefield colonizers, and the anti-utopian missionary party, Lamb asks "...can a utopia knowingly encounter the darkness of history and the struggle for life and still be a utopia?"¹⁶ As Lamb points out, 'Utopianism', in the settlement of New Zealand, was attacked by Dandeson Coates who argued that "it is too high wrought, too Utopian, to believe that a miscellaneous body of men will expatriate themselves to a savage land at the antipodes, merely out of a benevolent regard to the civilisation and moral improvement of the Natives."¹⁷ The APS humanitarians certainly shared this suspicion of 'the Utopian', as a dangerous disregard for the reality of human evil and brokenness. However, their own vision of an ideal colonial society, worked out in critical light of the dark history of colonial atrocity, attempted to negotiate a way around the limitations of missionary critique and colonial enthusiasm. As Chamerovzow wrote in *The New Zealand Question and the Rights of Aborigines*;

In conclusion, and to anticipate any charge of Utopianism, we would be distinctly understood as asserting it to be practically wiser and sounder policy on the part of any Government, to admit, as a ruling principle, the proprietary rights of Aborigines in the very largest acceptance of the term...¹⁸

¹⁵ Ted Peters, *Futures – Human and Divine* (Atlanta: John Knox Press, 1978) 11.

¹⁶ Jonathan Lamb, "The Idea of Utopia in the European Settlement of New Zealand", in Klaus Neumann, Nicholas Thomas, and Hilary Ericksen (eds.), *Quicksands: Foundational histories in Australia and Aotearoa New Zealand* (Sydney: University of New South Wales Press, 1999), 91. See also Lamb's slightly modified treatment of this subject in the concluding chapter, "The Settlement of New Zealand", of his recent book; *Preserving the Self in the South Seas, 1680-1840* (Chicago: University of Chicago Press, 2001).

¹⁷ Coates, *Christianity, the Means of Civilization* (London: R.D. Seeley, 1837), 13, quoted in Lamb, "The Idea of Utopia...", 90.

¹⁸ L.A. Chamerovzow, *The New Zealand Question and the Rights of Aborigines* (London: T.C. Newby, 1848), 211-12.

The APS could, therefore, agree with Coates that ‘the colonization of uncivilised countries by Europeans in modern times, presents one of the darkest pictures of that dark subject – History’.¹⁹ Indeed, its members and associates – writers such as William Howitt, Saxe Bannister, and Thomas Hodgkin – were largely responsible for writing and promoting such an historical understanding. However, in the midst of this history, they found a prophetic exception to the rule, that seemed to fit with a post-emancipation optimism for restorative acts of empire, and resonated with an underlying evangelical belief in the coming Millennium of justice and peace. Above all, William Penn’s ‘Holy Experiment’, however idealized, was, like the atoning death of Christ, a ‘fact’ of history. It suggested that, beyond exclusive missionary communities, a just colony and civil society in which the indigenes and Europeans could peacefully co-exist, was not mere ‘Utopianism’. As Howitt stated; “...it may be said, it is one thing to sit at home in our study and write of Christian principles, and another to go out into new settlements amongst wild tribes.” In these circumstances, with indigenes accurately or otherwise represented as ‘fonder of blood than peace’, it may be said that “there was no possible mode of dealing with them but driving them out, or exterminating them. Arise, William Penn, and give answer!”²⁰

If Pennsylvania was an exception to the old New World of colonization, its iconography of an honoured founding treaty, rights-based politics, special laws to ensure indigenous participation, a fundamental respect for aboriginal property rights, and the proclamation of peace as an unconditional religious and political value, provided a source of inspiration for nineteenth century humanitarians. In particular, it resonated with a strongly Quaker-influenced philanthropy. In an age of unprecedented evangelical ecumenism, however, humanitarian representations eschewed sectarianism. Broadly, in Howitt’s words, “...there is no doubt that Penn may be declared the most perfect Christian statesman that

¹⁹ Coates, 3, in Lamb, “The Idea of Utopia...”, 90.

²⁰ William Howitt, *Colonization and Christianity: A Popular History of the treatment of the natives by the Europeans in all their Colonies* (London: Longman, Orme, Brown, Green, and Longmans, 1838), 356.

ever lived.”²¹ Although it has been a concern of the thesis to emphasize this image and heritage, as it is precisely the sort of themes that conventional history has disregarded, my focus has not been Pennsylvania as an end in itself, but the way this image feeds into the humanitarian imagination. Approached as such, as imagination, humanitarian thought made sympathetic appeal to history and to the ‘national conscience’ in a creative attempt to revision the future of imperial policy. It attempted, in Lamb’s words, to ‘knowingly encounter the darkness of history’ and reach towards, even make this the basis for, an ideal society of cultural co-existence and civilization.

Although they shared the missionary party’s critique of ‘Utopianism’, the humanitarians moved beyond this. Lamb’s consideration of the idea of utopia in the European settlement of New Zealand, though looking at more formally utopian literature through a reading of Samuel Butler’s *Erewhon* (1872), discusses themes that are therefore relevant to mid-century humanitarian thought.²² The APS looked to an aboriginal-European New Zealand as, in Lamb’s description of *Erewhon*, “the pinnacle of a new civilization”, and there was also a sense in which this ideal functioned, if not as a satire, as a critique of contemporary England.²³ Within the texture of humanitarian polemics, New Zealand and the Pacific Islands more generally could be seen, in Howitt’s words, as a “springing civilization”, “a subject of delightful thought and source of genial inspiration.”²⁴ This was not so much an idealization of people, who were debased though receptive to the Gospel, but rather, in the utopian tradition, a reflexive idealization of place.

The isolation of the Pacific Islands from the corrupting influences of so-called ‘Christian civilization’, enabled humanitarians to imagine and plan their own vision of civilization and “young Christianity”.²⁵ Lamb’s citation of Louis Marin’s studies of utopian thought is helpful in the case of humanitarianism. In Marin’s notion of ‘utopics’ as ‘spatial play’ – as a co-existence of opposites, a ‘hospitality’ to ‘both-ness’ that releases ‘the force of

²¹ Ibid., 361.

²² See Samuel Butler, *Erewhon, or Over the Range* (London: Truebner & Co., 1872).

²³ Lamb, “The Idea of Utopia...”, 83.

²⁴ Howitt, 484, 477-479.

²⁵ Howitt, 484.

unlimited contradiction’²⁶ – Howitt and the humanitarians used a Pacific geography to subvert, but not dissolve, binaries of savagery and civilization. This sort of spatial play informed humanitarian anthropology, its discussion of people. The paradox of primitive peoples recognized as right-bearing members of the family of nations – the contradiction of ‘uncivilized nations’ – is one instance of the creative tensions of humanitarian idealism. Another is the way in which humanitarians utilized demeaning images of indigenous peoples to re-present the colonial powers responsible for their past destruction, and to alert the new colony of New Zealand to persistent evils. In Howitt’s account;

...the same “irreclaimable and indomitable savages” that have ravaged and oppressed every nation which they have conquered, from ‘China to Peru’...that massacred the South Americans; that have chased the North Americans to ‘the far west...*The savages of Europe*, the most heartless and merciless race that ever inhabited the earth – a race, for the range and continuance of its atrocities, without a parallel in this world, and, it may be safely believed, in any other, are busy in the South Sea Islands.²⁷

For nineteenth-century humanitarians, “the frontiers of utopia” – where, according to Marin, there opens “a gap between the interior space which is enclosed by the routes of travels, the *terrae cognitae*, and the unknown outer space”²⁸ – are fragile places of possibility. Humanitarian thought, between optimism and pessimism, envisaged the colonization of New Zealand and the Pacific as both an occasion for further destruction of the world, and for the redemption of humanity. ‘Christian civilization’ is both savage and enlightened. It struggles against itself. Its presence in the South Seas threatens its presence in the South Seas. That is, in Howitt’s critique of Australasian colonization, “the moral corruption of our penal colonies overflows...to other shores, and threatens

²⁶ See Louis Marin, *Utopics: Spatial Plays*, trans. R. Vollrath (New Jersey: MacMillan, 1984), xxii.

²⁷ Howitt, 484-5, emphasis added.

with destruction one of the fairest scenes of human regeneration and human happiness to which we can turn on this huge globe of cruelty for hope and consolation.”²⁹ While humanitarians would, in the 1840s and beyond, struggle to right an ideal society in crisis, they supported a systemically planned, ‘humane colonization’ of New Zealand because it was *both* the most practical *and* ideal policy to protect and improve aborigines.

For the humanitarians themselves, of course, their creative contradictions were comprehended in religious doctrine rather than in self-conscious ‘spatial plays’. As I have argued, the evangelical worldview worked out regeneration from the necessary and radical evil of the world, and expressed faith in providence and the coming millennium. In the eschatological tradition, this was not a smug faith in progress, but more often a polemical, prophetic politics. These considerations, on the ‘utopics’ of nineteenth-century humanitarians, further nuance Lamb’s discussion of ‘The idea of utopia in the European settlement of New Zealand’. The humanitarians can be positioned between the anti-utopian missionary party and the utopian colonizers insofar as they envisaged an ideal society that ‘knowingly’ encounters, indeed grows out of, ‘the darkness of history’. Lamb’s account follows the conventional view of ‘the religious’ by identifying it with missionary and Maori Christianity. With the failure of the anti-utopian missionaries, Lamb traces the development of a ‘millennarian’ or ‘eschatological’ politics in ‘prophets’ such as Te Kooti, as a reaction against colonial utopian politics.³⁰ These developments are beyond the scope of the thesis, but the notion that an eschatological Christianity emerged significantly after the signing of the Treaty of Waitangi, and as non-European phenomena, goes against the thesis’s conclusions. Rather, the Aborigines Protection Society, from the 1830s through the 1840s, can be seen as advocating a vision of aboriginal rights, citizenship, and ‘humane colonization’, subtended by doctrines of atonement and eschatology – by a religious reworking of the political that looked to the rebirth and realization of a pacific, Christian civilization.

²⁸ “Louis Marin, “The Frontiers of Utopia” in Krishan Kumar and Stephen Bann (eds.), *Utopias and the Millennium* (London: Reaktion Books, 1993), 15. “Utopia”, for Marin, “is the figure of that imaginary site on the frontiers, on the limits, on this gap.” (p.15).

²⁹ Howitt, 477.

While the APS's religious vision was distinctive, and while it may or may not have been realized, it was not a private one. As Lord Russell, 'Secretary of State for the Colonies', reflected in 1841;

I cannot look without anxiety to the future fate of those who are the aboriginal inhabitants of New Zealand; – aboriginal inhabitants, let me say, who are not in that low and mean state of capacity and cultivation in which the natives of some regions have been found, but capable...of acquiring the arts of civilized life, and of imbibing the truths of religion. Let us all impress deeply upon our minds this fact, that whatever may have passed in former days – what ever is passing at this time in our own colonies, it is our bounded duty, when founding a colony, and propagating the doctrines of Christianity there, to see that our precepts differ not from our practice.³¹

The sense of the 'foundation' of New Zealand as something 'religious' or 'Christian' may not now be widely felt among the general Pakeha populace. However, a spirit and politics of atonement – a sense of guilt and commitment to restoration and 'reconciliation' for the wrongs of colonial history – still troubles and propels indigenous rights movements in the antipodes. In New Zealand, this discussion is complicated by an ideal and myth of exemplary Commonwealth race relations, that, in its divergent nineteenth and twentieth century forms, most obviously constitutes the humanitarian imagination.

³⁰ Lamb, "The Idea of Utopia...", 95-97.

³¹ Quoted in *The Fourth Annual Report of the Aborigines' Protection Society* (London: P. White, 1841), 9.

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